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THE WRITINGS

OF

THOMAS JEFFERSON.

MEMOIR,

CORRESPONDENCE,

AND

MISCELLANIES,

FROM THE PAPERS OF

THOMAS JEFFERSON.

EDITED BY

THOMAS JEFFERSON RANDOLPH.

VOLUME III.

SECOND EDITION.

BOSTON:
PUBLISHED BY GRAY AND BOWEN.
NEW YORK:
BY G. & C. & H. CARVILL.

1830.

Che

EASTERN DISTRICT OF VIRGINIA, *to wit:*

Be it remembered, that on the seventeenth day of January, in the fifty-third year of the Independence of the United States of America, Thomas Jefferson Randolph, of the said District, hath deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"Memoir, Correspondence, and Miscellanies, from the Papers of Thomas Jefferson. Edited by Thomas Jefferson Randolph."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned."

RD. JEFFRIES,
Clerk of the Eastern District of Virginia.

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CORRESPONDENCE.

LETTER I.

TO JOHN JAY.

Paris, July 19, 1789.

Dear Sir,

I am become very uneasy, lest you should have adopted some channel for the conveyance of your letters to me, which is unfaithful. I have none from you of later date than November the 25th, 1788, and of consequence, no acknowledgment of the receipt of any of mine, since that of August the 11th, 1788. Since that period, I have written to you of the following dates. 1788. August the 20th, September the 3rd, 5th, 24th, November the 14th, 19th, 29th. 1789. January the 11th, 14th, 21st, February the 4th, March the 1st, 12th, 14th, 15th, May the 9th, 11th, 12th, June the 17th, 24th, 29th. I know, through another person, that you have received mine of November the 29th, and that you have written an answer; but I have never received the answer, and it is this which suggests to me the fear of some general source of miscarriage.

The capture of three French merchant ships by the Algerines, under different pretexts, has produced great sensation in the seaports of this country, and some in its government. They have ordered some frigates to be armed at Toulon to punish them. There is a possibility that this circumstance, if not too soon set to rights by the Algerines, may furnish occasion to the States General, when they shall have leisure to attend to matters of this kind, to disavow any future tributary treaty with them. These pirates respect still less their treaty with Spain, and treat the Spaniards with an insolence greater than was usual before the treaty.

The scarcity of bread begins to lessen in the southern parts of France, where the harvest has commenced. Here it is still threatening, because we have yet three weeks to the beginning of harvest, and I think there has not been three days' provision beforehand in Paris, for two or three weeks past. Monsieur de Mirabeau, who is very hostile to Mr. Necker, wished to find a ground for censuring him, in a proposition to have a great quantity of flour furnished from the United States, which he supposed me to have made to Mr. Necker, and to have been refused by him; and he asked time of the States General to furnish proofs. The Marquis de la Fayette immediately gave me notice of this matter, and I wrote him a letter to disavow having ever made any such proposition to Mr. Necker, which I desired him to communicate to the States. I waited immediately on Mr. Necker and Monsieur de Montmorin, satisfied them that what had been suggested was absolutely without foundation from me; and indeed they had not needed this testimony. I gave them copies of my letter to the Marquis de la Fayette, which was afterwards printed. The Marquis, on the receipt of my letter, showed it to Mirabeau, who turned then to a paper from which he had drawn his information, and found he had totally mistaken it. He promised immediately that he would himself declare his error to the States General, and read to them my letter, which he did. I state this matter to you, though of little consequence in itself, because it might go to you misstated in the English papers.

Our supplies to the Atlantic ports of France, during the months of March, April, and May, were only twelve thousand two hundred and twenty quintals, thirty-three pounds of flour, and forty-four thousand one hundred and fifteen quintals, forty pounds of wheat, in twenty-one vessels.

My letter of the 29th of June, brought down the proceedings of the States and government to the re-union of the orders, which took place on the 27th. Within the Assembly, matters went on well. But it was soon observed, that troops, and particularly the foreign troops, were on their march towards Paris from various quarters, and that this was against the opinion of Mr. Necker. The King was probably advised to this, under pretext of preserving peace in Paris and Versailles, and saw nothing else in the measure. That his advisers are supposed to have had in view, when he should be secured and inspirited by the presence of the troops to take advantage of some favorable moment, and surprise him into an act of authority for establishing the declaration of the 23rd of June, and perhaps dispersing the States General, is probable. The Marshal de Broglio was appointed to command all the troops within the Isle of France, a high-flying aristocrat, cool and capable of everything. Some of the French guards were soon arrested under other pretexts, but in reality, on account of their dispositions in favor of the national cause. The people of Paris forced the prison, released them, and sent a deputation to the States General, to solicit a pardon. The States, by a most moderate and prudent *Arrêté*, recommended these prisoners to the King, and peace to the people of Paris. Addresses came in to them from several of the great cities, expressing sincere allegiance to the King, but a determined resolution to support the States General. On the 8th of July, they voted an address to the King to remove the troops. This piece of masculine eloquence,* written by Monsieur de Mirabeau, is worth attention on account of the bold matter it expresses and discovers through the whole. The King refused to remove the troops, and said they might remove themselves, if they pleased, to Noyon or Soissons. They proceeded to fix the order in which they will take up the several branches of their future constitution, from which it appears, they mean to build it from the bottom, confining themselves to nothing in their ancient form, but a King. A declaration of rights, which forms the first chapter of their work, was then proposed by the Marquis de la Fayette. This was on the 11th. In the mean time troops, to the number of about twenty-five or thirty thousand, had arrived, and were posted in and between Paris and Versailles. The bridges and passes were guarded. At three o'clock in the afternoon, the Count de la Luzerne was sent to notify Mr. Necker of his dismission, and to enjoin him to retire instantly, without saying a word of it to any body. He went home, dined, proposed to his wife a visit to a friend, but went in fact to his country-house at St. Ouen, and at midnight set out from thence, as is supposed, for Brussels. This was not known till the next day, when the whole ministry was changed, except Villedeuil, of the domestic department, and Barentin, *Garde des Sceaux*. These changes were as follows. The Baron de Breteuil, president of the council of finance; and De la Galaisière, Comptroller General in the room of Mr. Necker; the Marshal de Broglio, minister of war, and Foulon under him, in the room of Puy-Ségur; Monsieur de la Vauguyon, minister of foreign affairs, instead of Monsieur de Montmorin; De la Porte, minister of marine, in place of the Count de la Luzerne; St. Priest was also removed from the Council. It is to be observed, that Luzerne and Puy-Ségur had been strongly of the aristocratical party in Council; but they were not considered as equal to bear their shares in the work now to be done. For this change, however sudden it may have been in the mind of the King, was, in that of his advisers, only one chapter of a great plan, of which the bringing together the foreign troops had been the first. He was now completely in the hands of men, the principal among whom had been noted through their lives for the Turkish despotism of their characters, and who were associated about the King, as proper instruments for what was to be executed. The news of this change began to be known in Paris about one or two o'clock. In the afternoon, a body of about one hundred German cavalry were advanced and drawn up in the Place Louis XV., and about two hundred Swiss posted at a little distance in their rear. This drew the people to that spot, who naturally formed themselves in front of the troops, at first merely to look at them. But as their numbers increased, their indignation arose; they retired a few steps, posted themselves on and behind large piles of loose stone, collected in that place for a bridge adjacent to it, and attacked the horse with stones. The horse charged, but the advantageous position of the people, and the showers of stones, obliged them to retire, and even to quit the field altogether, leaving one of their number on the ground. The Swiss in their rear were observed never to stir. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorers' shops and private houses, and with bludgeons, and were roaming all night through all parts of the city, without any decided practicable object. The next day, the States pressed on the King to send away the troops, to permit the *Bourgeois* of Paris to arm for the preservation of order in the city, and offered to send a deputation from their body to tranquillize them. He refused all their propositions. A committee of magistrates and electors of the city were appointed by their bodies, to take upon them its government. The mob, now openly joined by the French guards, forced the prison of St. Lazare, released all the prisoners, and took a great store of corn, which they carried to the corn market. Here they got some arms, and the French guards began to form and train them. The committee determined to raise forty-eight thousand *Bourgeois*, or rather to restrain their numbers to forty-eight thousand. On the 14th, they sent one of their members (Monsieur de Corny, whom we knew in America) to the *Hôtel des Invalides*, to ask arms for their *Garde Bourgeoise*. He was followed by, or he found there, a great mob. The Governor of the Invalides came out, and represented the impossibility of his delivering arms, without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; and the people took possession of the arms. It was remarkable, that not only the *Invalides* themselves made no opposition, but that a body of five thousand foreign troops, encamped within four hundred yards, never stirred. Monsieur de Corny and five others were then sent to ask arms of Monsieur de Launai, Governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the parapet. The deputation prevailed on the people to fall back a little, advanced themselves to make their demand of the Governor, and in that instant a discharge from the Bastile killed four people of those nearest to the deputies. The deputies retired: the people rushed against the place, and almost in an instant were in possession of a fortification, defended by one hundred men, of infinite strength, which in other times had stood several regular sieges, and had never been taken. How they got in, has as yet been impossible to discover. Those who pretend to have been of the party tell so many different stories, as to destroy the credit of them all. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury, carried the Governor and Lieutenant Governor to the Grève (the place of public execution), cut off their heads, and sent them through the city in triumph to the *Palais Royal*. About the same instant, a treacherous correspondence having been discovered in Monsieur de Flesselles, *Prévôt des Marchands*, they seized him in the *Hôtel de Ville*, where he was in the exercise of his office, and cut off his head. These events, carried imperfectly to Versailles, were the subject of two successive deputations from the States to the King, to both of which he gave dry and hard answers; for it has transpired, that it had been proposed and agitated in Council, to seize on the principal members of the States General, to march the whole army down upon Paris, and to suppress its tumults by the sword. But, at night, the Duke de Liancourt forced his way into the King's bed-chamber, and obliged him to hear a full and animated detail of the disasters of the day in Paris. He went to bed deeply impressed. The decapitation of De Launai worked powerfully through the night on the whole aristocratical party, insomuch that, in the morning, those of the greatest influence on the Count d'Artois, represented to him the absolute necessity that the King should give up every thing to the States. This according well enough with the dispositions of the King, he went about eleven o'clock, accompanied only by his brothers, to the States General, and there read to them a speech, in which he asked their interposition to re-establish order. Though this be couched in terms of some caution, yet the manner in which it was delivered, made it evident that it was meant as a surrender at discretion. He returned to the *Château* afoot, accompanied by the States. They sent off a deputation, the Marquis de la Fayette at their head, to quiet Paris. He had, the same morning, been named Commandant in Chief of the *Milice Bourgeoise*, and Monsieur Bailly, former President of the States General, was called for as *Prévôt des Marchands.* The demolition of the Bastile was now ordered, and begun. A body of the Swiss guards of the regiment of Ventimille, and the city horse-guards joined the people. The alarm at Versailles increased instead of abating. They believed that the aristocrats of Paris were under pillage and carnage, that one hundred and fifty thousand men were in arms, coming to Versailles to massacre the royal family, the court, the ministers, and all connected with them, their practices, and principles. The aristocrats of the Nobles and Clergy in the States General, vied with each other in declaring how sincerely they were converted to the justice of voting by persons, and how determined to go with the nation all its lengths. The foreign troops were ordered off instantly. Every minister resigned. The King confirmed Bailly as *Prévôt des Marchands*, wrote to Mr. Necker to recall him, sent his letter open to the States General, to be forwarded by them, and invited them to go with him to Paris the next day, to satisfy the city of his dispositions: and that night and the next morning, the Count d'Artois, and Monsieur de Montisson (a deputy connected with him), Madame de Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the Queen, the Abbé de Vermont, her confessor, the Prince of Condé, and Duke de Bourbon, all fled; we know not whither. The King came to Paris, leaving the Queen in consternation for his return. Omitting the less important figures of the procession, I will only observe, that the King's carriage was in the centre, on each side of it the States General, in two rank, afoot, and at their head the Marquis de la Fayette, as Commander in Chief, on horseback, and *Bourgeois* guards before and behind. About sixty thousand citizens of all forms and colors, armed with the muskets of the Bastile and Invalids, as far as they would go, the rest with pistols, swords, pikes, pruning-hooks, scythes, &c. lined all the streets through which the procession passed, and, with the crowds of people in the streets, doors, and windows, saluted them every where with cries of '*Vive la Nation;*' but not a single '*Vive le Roy*' was heard. The King stopped at the *Hôtel de Ville.* There Monsieur Bailly presented and put into his hat the popular cockade, and addressed him. The King being unprepared and unable to answer, Bailly went to him, gathered from him some scraps of sentences, and made out an answer, which he delivered to the audience as from the King. On their return, the popular cries were '*Vive le Roy et la Nation.*' He was conducted by a *Garde Bourgeoise* to his palace at Versailles, and thus concluded such an *amende honorable*, as no sovereign ever made, and no people ever received. Letters written with his own hand to the Marquis de la Fayette remove the scruples of his position. Tranquillity is now restored to the capital: the shops are again opened; the people resuming their labors, and if the want of bread does not disturb our peace, we may hope a continuance of it. The demolition of the Bastile is going on, and the *Milice Bourgeoise* organizing and training. The ancient police of the city is abolished by the authority of the people, the introduction of the King's troops will probably be proscribed, and a watch or city guards substituted, which shall depend on the city alone. But we cannot suppose this paroxysm confined to Paris alone. The whole country must pass successively through it, and happy if they get through it as soon and as well as Paris has done.

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* See it in the paper called *Point du Jour*, No. 23.

I went yesterday to Versailles, to satisfy myself what had passed there; for nothing can be believed but what one sees, or has from an eye-witness. They believe there still, that three thousand people have fallen victims to the tumults of Paris. Mr. Short and myself have been every day among them, in order to be sure of what was passing. We cannot find, with certainty, that any body has been killed but the three before mentioned, and those who fell in the assault or defence of the Bastile. How many of the garrison were killed, nobody pretends to have ever heard. Of the assailants, accounts vary from six to six hundred. The most general belief is, that there fell about thirty. There have been many reports of instantaneous executions by the mob, on such of their body as they caught in acts of theft or robbery. Some of these may perhaps be true. There was a severity of honesty observed, of which no example has been known. Bags of money offered on various occasions through fear or guilt, have been uniformly refused by the mobs. The churches are now occupied in singing '*De profundis*' and '*Requiems*,' 'for the repose of the souls of the brave and valiant citizens who have sealed with their blood the liberty of the nation.' Monsieur de Montmorin is this day replaced in the department of foreign affairs, and Monsieur de St. Priest is named to the home department. The gazettes of France and Leyden accompany this. I send also a paper (called the *Point du Jour)* which will give you some idea of the proceedings of the National Assembly. It is but an indifferent thing; however, it is the best.

I have the honor to be, with great esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

P. S. July 21. Mr. Necker had left Brussels for Frankfort, before the courier got there. We expect, however, to hear of him in a day or two. Monsieur le Comte de la Luzerne has resumed the department of the marine this day. Either this is an office of friendship effected by Monsieur de Montmorin (for though they had taken different sides, their friendship continued), or he comes in as a stop-gap, till somebody else can be found. Though very unequal to his office, all agree that he is an honest man. The Count d'Artois was at Valenciennes. The Prince of Condé and Duke de Bourbon had passed that place. T. J.

LETTER II.

TO M. L'ABBE ARNOND.

Paris, July 19, 1789.

DEAR SIR,

The annexed is a catalogue of all the books I recollect, on the subject of juries. With respect to the value of this institution, I must make a general observation. We think, in America, that it is necessary to introduce the people into every department of government, as far as they are capable of exercising it: and that this is the only way to insure a long continued and honest administration of its powers.

1. They are not qualified to exercise themselves the executive department, but they are qualified to name the person who shall exercise it. With us, therefore, they choose this officer every four years. 2. They are not qualified to legislate. With us, therefore, they only choose the legislators. 3. They are not qualified to *judge* questions of *law*, but they are very capable of judging questions of *fact*. In the form of juries, therefore, they determine all matters of fact, leaving to the permanent judges to decide the law resulting from those facts. But we all know, that permanent judges acquire an *esprit de corps;* that being known, they are liable to be tempted by bribery; that they are misled by

favor, by relationship, by a spirit of party, by a devotion to the executive or legislative power; that it is better to leave a cause to the decision of cross and pile, than to that of a judge biassed to one side; and that the opinion of twelve honest jurymen gives still a better hope of right, than cross and pile does. It is in the power, therefore, of the juries, if they think the permanent judges are under any bias whatever, in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power, they have been the firmest bulwarks of English liberty. Were I called upon to decide, whether the people had best be omitted in the legislative or judiciary department, I would say it is better to leave them out of the legislative. The execution of the laws is more important than the making them. However, it is best to have the people in all the three departments, where that is possible.

I write in great haste, my Dear Sir, and have, therefore, only time to add wishes for the happiness of your country, to which a new order of things is opening; and assurances of the sincere esteem with which I have the honor to be, Dear Sir, your most obedient and humble servant,

TH: JEFFERSON.

Books, on the subject of Juries.

Complete Juryman, or a Compendium of the Laws relating to Jurors.
Guide to English Juries.
Hawles's Englishman's Right.
Jurors Judges both of Law and Fact, by Jones.
Security of Englishmen's Lives, or the Duty of Grand Juries.
Walwin's Juries Justified.

LETTER III.

TO JOHN JAY.

Paris, July 23, 1789.

SIR,

The bearer of my letters (a servant of Mr. Morris) not going off till to-day, I am enabled to add to their contents. The spirit of tumult seemed to have subsided, when, yesterday, it was excited again, by a particular incident. Monsieur Foulon, one of the obnoxious ministry, who, as well as his brethren, had absconded, was taken in the country, and, as is said, by his own tenants, and brought to Paris. Great efforts were exerted by popular characters, to save him. He was at length forced out of the hands of the *Garde Bourgeoise*, hung immediately, his head cut off, and his body drawn through the principal streets of the city. The Intendant of Paris, Monsieur de Chauvigny, accused of having entered into the designs of the same ministry, has been taken at Compiègne, and a body of two hundred men on horseback have gone for him. If he be brought here, it will be difficult to save him. Indeed, it is hard to say, at what distance of time the presence of one of those ministers, or of any of the most obnoxious of the fugitive courtiers, will not rekindle the same blood-thirsty spirit. I hope it is extinguished as to every body else, and yesterday's example will teach them to keep out of its way. I add two other sheets of the *Point du Jour*, and am, with the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

P. S. I just now learn that Bertier de Chauvigny was brought to town last night, and massacred immediately.

LETTER IV.

TO JOHN JAY.

Paris, July 29, 1789.

SIR,

I have written you lately, on the 24th of June, with a postscript of the 25th; on the 29th of the same month; the 19th of July. with a postscript of the 21st; and again on the 23rd. Yesterday I received yours of the 9th of March, by the way of Holland.

Mr. Necker has accepted his appointment, and will arrive today from Switzerland, where he had taken refuge. No other ministers have been named since my last. It is thought that Mr. Necker will choose his own associates. The tranquillity of Paris has not been disturbed, since the death of Foulon and Bertier, mentioned in my last. Their militia is in a course of organization. It is impossible to know the exact state of the supplies of bread. We suppose them low and precarious, because, some days, we are allowed to buy but half or three fourths of the daily allowance of our families. Yet as the wheat harvest must begin within ten days or a fortnight, we are in hopes there will be subsistence found till that time. This is the only source from which I should fear a renewal of the late disorders; for I take for granted, the fugitives from the wrath of their country, are all safe in foreign countries. Among these are numbered seven Princes of the house of Bourbon, and six ministers; the seventh (the Marshal de Broglio) being shut up in the fortified town of Metz, strongly garrisoned with foreign soldiers. I observed to you, in a preceding letter, that the storm which had begun in Paris, on the change of the ministry, would have to pass over the whole country, and consequently, would, for a short time, occasion us terrible details from the different parts of it. Among these, you will find a horrid one retailed from Vesoul, in Franche Compté. The atrociousness of the fact would dispose us rather to doubt the truth of the evidence on which it rests, however regular that appears. There is no question, that a number of people were blown up; but there are reasons for suspecting that it was by accident and not design. It is said the owner of the *château* sold powder by the pound, which was kept in the cellar of the house blown up; and it is possible, some one of the guests may have taken this occasion to supply himself, and been too careless in approaching the mass. Many idle stories have also been propagated and believed here, against the English, as that they have instigated the late tumults with money, that they had taken or were preparing to take Cherbourg, Brest, &c.; and even reasonable men have believed, or pretended to believe, all these. The British ambassador has thought it necessary to disavow them in a public letter, which you will find in one of the papers accompanying this.

I have lately had an opportunity of knowing with certainty the present state of the King of England. His recovery was slow; he passed through a stage of profound melancholy; but this has at length dissipated, and he is at present perfectly re-established. He talks now as much as ever, on the same trifling subjects, and has recovered even his habitual inquisitiveness into the small news of the families about him. His health is also good, though he is not as fleshy as he used to be. I have multiplied my letters to you lately, because the scene has been truly interesting; so much so, that had I received my permission to pay my projected visit to my own country, I should have thought, and should still think it my duty to defer it a while. I presume it cannot now be long, before I receive your definitive answer to my request. I send herewith the public papers, as usual; and have the honor to be, with the most perfect esteem and respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER V.

TO JOHN JAY.

Paris, August 5, 1789.

Sir,

I wrote you on the 19th of the last month, with a postscript of the 21st; and again on the 23rd and 29th. Those letters went by private conveyances. This goes by the London post. Since my last, some small and momentary tumults have taken place in this city, in one of which a few of the rioters were killed by the city militia. No more popular executions have taken place. The capture of the Baron de Besenval, commandant of the Swiss troops, as he was flying to Switzerland, and of the Duke de la Vauguyon, endeavoring to escape by sea, would endanger new interpositions of the popular arm, were they to be brought to Paris. They are, therefore, confined where they were taken. The former of these being unpopular with the troops under his command, on account of oppressions, occasioned a deputation from their body, to demand justice to be done on him, and to avow the devotion of the Swiss troops to the cause of the nation. They had before taken side in part only. Mr. Necker's return contributed much to re-establish tranquillity, though not quite as much as was expected. His just intercessions for the Baron de Besenval and other fugitives, damped very sensibly the popular ardor towards him. Their hatred is stronger than their love.

Yesterday, the other ministers were named. The Archbishop of Bordeaux is *Garde des Sceaux*, Monsieur de la Tour du Pin, minister of war, the Prince of Beauvou is taken into the Council, and the *feuille des bénéfices* given to the Archbishop of Bordeaux. These are all the popular party; so that the ministry (M. de la Luzerne excepted) and the Council, being all in reformation principles, no further opposition may be expected from that quarter. The National Assembly now seriously set their hands to the work of the constitution. They decided, a day or two ago, the question, whether they should begin by a declaration of rights, by a great majority in the affirmative. The negatives were of the Clergy, who fear to trust the people with the whole truth. The declaration itself is now on the carpet. By way of corollary to it, they last night mowed down a whole legion of abuses, as you will see by the *Arrêté* which I have the honor to inclose you. This will stop the burning of *châteaux*, and tranquillize the country more than all the addresses they could send them. I expressed to you my fears of the impractibility of debate and decision in a room of one thousand and two hundred persons, as soon as Mr. Necker's determination to call that number, was known. The inconveniences of their number have been distressing to the last degree, though, as yet, they have been employed in work which could be done in the lump. They are now proceeding to instruments, every word of which must be weighed with precision. Heretofore, too, they were hooped together by a common enemy. This is no longer the case. Yet a thorough view of the wisdom and rectitude of this assembly disposes me more to hope they will find some means of surmounting the difficulty of their numbers, than to fear that yielding to the unmanageableness of debate in such a crowd, and to the fatigue of the experiment, they may be driven to adopt, in the gross, some one of the many projects which will be proposed.

There is a germ of schism in the pretensions of Paris to form its municipal establishment independently of the authority of the nation. It has not yet proceeded so far, as to threaten danger. The occasion does not permit me to send the public papers; but nothing remarkable has taken place in the other parts of Europe.

I have the honor to be, with the most perfect respect and esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER VI.

TO MR. CARMICHAEL.

Paris, August 9, 1789.

DEAR SIR,

Since your last of March the 27th, I have only written that of May the 8th. The cause of this long silence, on both parts, has been the expectation I communicated to you of embarking for America. In fact, I have expected permission for this, every hour since the month of March, and therefore always thought, that by putting off writing to you a few days, my letter, while it should communicate the occurrences of the day, might be a letter of adieu. Should my permission now arrive, I should put off my departure till after the equinox. They write me that my not receiving it, has proceeded from the ceasing of the old government in October last, and the organization of the higher departments in the new, which had not yet taken place when my last letters came away. Bills had been brought in, for establishing departments of Foreign Affairs, Finance, and War. The last would certainly be given to General Knox. Mr. Jay would probably have his choice of the first and second ; and it was supposed Hamilton would have that which Mr. Jay declined. Some thought Mr. Jay would prefer and obtain the head of the law department, for which Wilson would be a competitor. In such a case, some have supposed C. Thomson would ask the Foreign Affairs. The Senate and Representatives differed about the title of the President. The former wanted to style him 'His Highness George Washington, President of the United States, and Protector of their Liberties.' The latter insisted and prevailed, to give no title but that of office, to wit, 'George Washington, President of the United States.' I hope the terms of Excellency, Honor, Worship, Esquire, for ever disappear from among us, from that moment : I wish that of Mr. would follow them. In the impost bill, the Representatives had, by almost an unanimous concurrence, made a difference between nations in treaty with us, and those not in treaty. The Senate had struck out this difference, and lowered all the duties. *Quære*, whether the Representatives would yield? Congress were to proceed, about the 1st of June, to propose amendments to the new constitution. The principal would be the annexing a declaration of rights to satisfy the minds of all, on the subject of their liberties. They waited the arrival of Brown, Delegate from Kentucky, to take up the receiving that district as a fourteenth State. The only objections apprehended, were from the partisans of Vermont, who might insist on both coming in together. This would produce a delay, though probably not a long one.

To detail to you the events of this country, would require a volume. It would be useless too ; because those given in the Leyden gazette, though not universally true, have so few and such unimportant errors mixed with them, that you may give a general faith to them. I will rather give you, therefore, what that paper cannot give, the views of the prevailing power, as far as they can be collected from conversation and writings. They will distribute the powers of government into three parts, legislative, judiciary, and executive. The legislative will certainly have no hereditary branch, probably not even a select one, (like our Senate). If they divide it into two chambers at all, it will be by breaking the representative body into two equal halves by lot. But very many are for a single House, and particularly the Turgotists. The imperfection of their legislative body, I think, will be, that not a member of it will be chosen by the people directly. Their representation will be an equal one, in which every man will elect and be elected as a citizen, not as of a distinct order. *Quære*, whether they will elect placemen and pensioners? Their legislature will meet periodically, and sit at their own will, with a power in the executive to call them extraordinarily, in case of emergencies. There is a considerable division of sentiment whether the executive shall have a negative on the laws. I think they will determine to give such a negative, either absolute or qualified. In the judiciary, the parliaments will be suppressed, less numerous judiciary bodies instituted, and trial by jury established in criminal, if not in civil cases. The executive power will be left entire in the hands of the King. They will establish the responsibility of ministers, gifts and appropriations of money by the National Assembly alone; consequently a civil list, freedom of the press, freedom of religion, freedom of commerce and industry, freedom of person against arbitrary arrests, and modifications, if not a total prohibition, of military agency in civil cases. I do not see how they can prohibit, altogether, the aid of the military in cases of riot, and yet I doubt whether they can descend from the sublimity of ancient military pride, to let a Maréchal of France, with his troops, be commanded by a magistrate. They cannot conceive that General Washington, at the head of his army, during the late war, could have been commanded by a common constable to go as his *posse comitatus*, to suppress a mob, and that Count Rochambeau, when he was arrested at the head of his army by a sheriff, must have gone to jail if he had not given bail to appear in court. Though they have gone astonishing lengths, they are not yet thus far. It is probable, therefore, that not knowing how to use the military as a civil weapon, they will do too much or too little with it.

I have said that things will be so and so. Understand by this, that these are only my conjectures, the plan of the constitution not being proposed yet, much less agreed to. Tranquillity is pretty well established in the capital; though the appearance of any of the refugees here would endanger it. The Baron de Besenval is kept away: so is M. de la Vauguyon. The latter was so short a time a member of the obnoxious administration, that probably he might not be touched were he here. Seven Princes of the house of Bourbon, and seven ministers, fled into foreign countries, is a wonderful event indeed.

I have the honor to be, with great respect and attachment, Dear Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER VII.

TO JOHN JAY.

Paris, August 12, 1789.

Sir,

I wrote you on the 19th, 23rd, 29th of the last, and 5th of the present month. The last occasions not having admitted the forwarding to you the public papers, I avail myself of the present, by a gentleman going to London, to furnish you with them to the present date. It is the only use I can prudently make of the conveyance. I shall, therefore, only observe, that the National Assembly has been entirely occupied since my last, in developing the particulars which were the subject of their resolutions of the 4th instant, of which I send you the general heads.

The city is as yet not entirely quieted. Every now and then summary execution is done on individuals, by individuals, and nobody is in condition to ask for what, or by whom. We look forward to the completion of the establishment of the city militia, as that which is to restore protection to the inhabitants. The details from the country are as distressing as I had apprehended they would be. Most of them are doubtless false, but many must still be true. Abundance of *châteaux* are certainly burnt and burning, and not a few lives sacrificed. The worst is probably over in this city; but I do not know whether it is so in the country. Nothing important has taken place in the rest of Europe.

I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER VIII.

TO COLONEL GOUVION.

Paris, August 15, 1789.

Sir,

I have the pleasure to inform you, that money is now deposited in the hands of Messrs. Grand and company, for paying the arrears of interest due to the foreign officers who served in the American army. I will beg the favor of you to notify thereof as many of them as you find convenient; and if you can furnish the addresses of any others to Messrs. Grand and company, they will undertake to give notice to them. The delays which have attended the completion of this object, have been greater than I expected. This has not proceeded from any inattention of Congress or any of their servants to the justice due to those officers. This has been sufficiently felt. But it was not till the present moment, that their efforts to furnish such a sum of money have been successful. The whole amount of arrears to the beginning of the present year, is about ten thousand louis d'ors.

I have the honor to be, with sentiments of the most perfect esteem and attachment, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER IX.

TO JOHN JAY.

Paris, August 27, 1789.

Sir,

I am honored with your favor of June the 19th, informing me that permission is given me to make a short visit to my native country, for which indulgence I beg leave to return my thanks to the President, and to yourself, Sir, for the expedition with which you were so good as to forward it, after it was obtained. Being advised that October is the best month of the autumn for a passage to America, I shall wish to sail about the first of that month: and as I have a family with me, and their baggage is considerable, I must endeavor to find a vessel bound directly for Virginia, if possible.

My last letters to you have been of the 5th and 12th instant. Since these, I received information from our bankers in Holland, that they had money in hand sufficient to answer the demands for the foreign officers, and for the captives; and that, moreover, the residue of the bonds of the last loan were engaged. I hereupon wrote to Mr. Grand for an exact estimate of the sum necessary for the officers. He had stated it to me as being forty-five thousand six hundred and fifty-two livres eleven sous six deniers a year, when I was going to Holland to propose the loan to Mr. Adams, and at that sum, you will see it was stated in the estimate we sent you from Amsterdam. He now informed me it was sixty thousand three hundred and ninety-three livres seventeen sous ten deniers a year. I called on him for an explanation. He showed me that his first information agreed with the only list of the officers and sums then in his possession, and his last with a new list lately sent from the treasury board, in which other officers were set down, who had been omitted in the first. I wrote to our bankers on account of this error, and desired to know whether, after receiving the money necessary for the captives, they were in condition to furnish two hundred and fifty-four thousand livres for the officers. They answered me by sending the money, and the additional sum of twenty-six thousand livres, to complete the business of the medals. I delivered the bills to Messrs. Grand and company, to negotiate and pay away; and the arrears to the officers, to the first day of the present year, are now in a course of payment. While on this subject, I will ask that an order may be forwarded to the bankers in Holland to furnish, and to Mr. Grand to pay, the arrearages which may be due on the first of January next. The money being in hand, it would be a pity that we should fail in payment a single day, merely for want of an order. The bankers further give it as their opinion, that our credit is so much advanced on the exchange of Amsterdam, that we may probably execute any money arrangements we may have occasion for, on this side the water. I have the honor to send you a copy of their letter. They have communicated to me apprehensions, that another house was endeavoring to obtain the business of our government. Knowing of no such endeavors myself, I have assured them that I am a stranger to any applications on the subject. At the same time, I cannot but suspect that this jealousy has been one of the spurs, at least, to the prompt completion of our loan. The spirited proceedings of the new Congress in the business of revenue, has doubtless been the principal one.

An engagement has taken place between the Russian and Swedish fleets in the Baltic, which has been not at all decisive, no ship having been lost on either side. The Swedes claim a victory, because they remained in the field till the Russians quitted it. The latter effected a junction soon after with another part of their fleet, and being now about ten ships strongest, the Swedes retired into port, and it is imagined they will not appear again under so great disparity; so that the campaign by sea is supposed to be finished. Their commerce will be at the mercy of their enemies: but they have put it out of the power of the Russians to send any fleet to the Mediterranean this year.

A revolution has been effected very suddenly in the bishoprick of Liege. Their constitution had been changed by force, by the reigning sovereign, about one hundred years ago. This subject had been lately revived and discussed in print. The people were at length excited to assemble tumultuously. They sent for their Prince, who was at his country-seat, and required him to come to the town-house to hear their grievances. Though in the night, he came instantly, and was obliged to sign a restitution of their ancient constitution, which took place on the spot, and all became quiet without a drop of blood spilt. This fact is worthy notice, only as it shows the progress of the spirit of revolution.

No act of violence has taken place in Paris since my last, except on account of the difference between the French and Swiss guards, which gave rise to occasional single combats, in which five or six were killed. The difference is made up. Some misunderstandings had arisen between the committees of the different districts of Paris, as to the form of the future municipal government. These gave uneasiness for a while, but have been also reconciled. Still there is such a leaven of fermentation remaining in the body of the people, that acts of violence are always possible, and are quite unpunishable; there being, as yet, no judicature which can venture to act in any case, however small or great. The country is becoming more calm. The embarrassments of the government, for want of money, are extreme. The loan of thirty millions, proposed by Mr. Necker, has not succeeded at all. No taxes are paid. A total stoppage of all payment to the creditors of the State is possible every moment. These form a great mass in the city as well as country, and among the lower class of people too, who have been used to carry their little savings of their service into the public funds, upon life rents of five, ten, twenty guineas a year, and many of whom have no other dependence for daily subsistence. A prodigious number of servants are now also thrown out of employ by domestic reforms, rendered necessary by the late events. Add to this the want of bread, which is extreme. For several days past, a considerable proportion of the people have been without bread altogether; for though the new harvest is begun, there is neither water nor wind to grind the grain. For some days past the people have besieged the doors of the bakers, scrambled with one another for bread, collected in squads all over the city, and need only some slight incident to lead them to excesses which may end in, nobody can tell what. The danger from the want of bread, however, which is the most imminent, will certainly lessen in a few days. What turn that may take which arises from the want of money, is difficult to be foreseen. Mr. Necker is totally without influence in the National Assembly, and is, I believe, not satisfied with this want of importance. That Assembly has just finished their bill of rights. The question will then be, whether to take up first the constitution or the business of finance.

No plan of a constitution has been yet given in. But I can state to you the outlines of what the leading members have in contemplation. The executive power in a hereditary King, with power of dissolving the legislature and a negative on their laws; his authority in forming treaties to be greatly restrained. The legislative to be a single House of Representatives, chosen for two or three years. They propose a body whom they call a Senate, to be chosen by the Provincial Assemblies, as our federal Senate is, but with no power of negativing or amending laws; they may only remonstrate on them to the representatives, who will decide by a simple majority the ultimate event of the law. This body will therefore be a mere council of revision. It is proposed that they shall be of a certain age and property, and be for life. They may make them also their court of impeachment. They will suppress the parliaments, and establish a system of judicature somewhat like that of England, with trial by jury in criminal cases, perhaps also in civil. Each province will have a subordinate provincial government, and the great cities, a municipal one on a free basis. These are the ideas and views of the most distinguished members. But they may suffer great modifications from the Assembly, and the longer the delay, the greater will be the modifications. Considerable interval having taken place since any popular execution, the aristocratic party is raising its head. They are strengthened by a considerable defection from the patriots, in consequence of the general suppression of the abuses of the 4th of August, in which many were interested. Another faction too, of the most desperate views, has acquired strength in the Assembly, as well as out of it. These wish to dethrone the reigning branch, and transfer the crown to the Duke d'Orléans. The members of this faction are mostly persons of wicked and desperate fortunes, who have nothing at heart but to pillage from the wreck of their country. The Duke himself is as unprincipled as his followers; sunk in debaucheries of the lowest kind, and incapable of quitting them for business; not a fool, yet not head enough to conduct any thing. In fact, I suppose him used merely as a tool, because of his immense wealth, and that he acquired a certain degree of popularity by his first opposition to the government, then credited to him as upon virtuous motives. He is certainly borrowing money on a large scale. He is in understanding with the court of London, where he had been long in habits of intimacy. The ministry here are apprehensive, that that ministry will support his designs by war. I have no idea of this, but no doubt, at the same time, that they will furnish him money liberally to aliment a civil war, and prevent the regeneration of this country.

It was suggested to me, some days ago, that the court of Versailles were treating with that of London, for a surrender of their West India possessions, in consideration of a great sum of money to relieve their present distress. Every principle of common sense was in opposition to this fact; yet it was so affirmed as to merit inquiry. I became satisfied the government had never such an idea; but that the story was not without foundation altogether; that something like this was in contemplation between the faction of Orleans and the court of London, as a means of obtaining money from that court. In a conversation with the Count de Montmorin, two days ago, he told me their colonies were speaking a language which gave them uneasiness, and for which there was no foundation. I asked him if he knew any thing of what I have just mentioned. He appeared unapprized of it, but to see at once that it would be a probable speculation between two parties circumstanced and principled as those two are. I apologized to him for the inquiries I had made into this business, by observing that it would be much against our interest, that any one power should monopolize all the West India islands. '*Parde, assurément*,' was his answer.

The *emancipation* of their islands is an idea prevailing in the minds of several members of the National Assembly, particularly those most enlightened and most liberal in their views. Such a step by this country would lead to other emancipations or revolutions in the same quarter. I enclose you some papers received from Mr. Carmichael, relative to the capture of one of our vessels by a Morocco cruiser, and restitution by the Emperor. I shall immediately write to M. Chiappe, to express a proper sense of the Emperor's friendly dispositions to us. I forward also the public papers to the present date; and have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER X.

TO JAMES MADISON.

Paris, August 28, 1789.

DEAR SIR,

My last to you was of July the 22nd. Since that, I have received yours of May the 27th, June 13th and 30th. The tranquillity of the city has not been disturbed since my last. Dissensions between the French and Swiss guards occasioned some private combats, in which five or six were killed. These dissensions are made up. The want of bread for some days past has greatly endangered the peace of the city. Some get a little, some none at all. The poor are the best served, because they besiege perpetually the doors of the bakers. Notwithstanding this distress, and the palpable impotence of the city administration to furnish bread to the city, it was not till yesterday, that general leave was given to the bakers to go into the country and buy flour for themselves, as they can. This will soon relieve us, because the wheat harvest is well advanced. Never was there a country where the practice of governing too much, had taken deeper root and done more mischief. Their declaration of rights is finished. If printed in time, I will enclose a copy with this. It is doubtful whether they will now take up the finance or the constitution first. The distress for money endangers every thing. No taxes are paid, and no money can be borrowed. Mr. Necker was yesterday to give in a memoir to the Assembly, on this subject. I think they will give him leave to put into execution any plan he pleases, so as to debarrass themselves of this, and take up that of the constitution. No plan is yet reported; but the leading members (with some small difference of opinion) have in contemplation the following. The executive power in a hereditary King, with a negative on laws, and power to dissolve the legislature; to be considerably restrained in the making of treaties, and limited in his expenses. The legislative in a House of Representatives. They propose a Senate also, chosen on the plan of our federal Senate, by the Provincial Assemblies, but to be for life, of a certain age, (they talk of forty years), and certain wealth (four or five hundred guineas a year), but to have no other power as to laws but to remonstrate against them to the representatives, who will then determine their fate by a simple majority. This you will readily perceive is a mere council of revision, like that of New York, which, in order to be something, must form an alliance with the King, to avail themselves of his *veto*. The alliance will be useful to both, and to the nation. The representatives to be chosen every two or three years. The judiciary system is less prepared than any other part of the plan; however, they will abolish the parliaments, and establish an order of judges and justices, general and provincial, a good deal like ours, with trial by jury in criminal cases certainly, perhaps also in civil. The provinces will have Assemblies for their provincial government, and the cities a municipal body for municipal government, all founded on the basis of popular election. These subordinate governments, though completely dependent on the general one, will be intrusted with almost the whole of the details which our State governments exercise. They will have their own judiciary, final in all but great cases, the executive business will principally pass through their hands, and a certain local legislature will be allowed them. In short, ours has been professedly their model, in which such changes are made as a difference of circumstances rendered necessary, and some others neither necessary nor advantageous, but into which men will ever run, when versed in theory and new in the practice of government, when acquainted with man only as they see him in their books and not in the world. This plan will undoubtedly undergo changes in the Assembly, and the longer it is delayed, the greater will be the changes; for that Assembly, or rather the patriotic part of it, hooped together heretofore by a common enemy, are less compact since their victory. That enemy (the civil and ecclesiastical aristocracy) begins to raise its head. The lees, too, of the patriotic party, of wicked principles and desperate fortunes, hoping to pillage something in the wreck of their country, are attaching themselves to the faction of the Duke of Orleans: that faction is caballing with the populace, and intriguing at London, the Hague, and Berlin, and have evidently in view the transfer of the crown to the Duke of Orleans. He is a man of moderate understanding, of no principle, absorbed in low vice, and incapable of abstracting himself from the filth of that, to direct any thing else. His name and his money, therefore, are mere tools in the hands of those who are duping him. * * * * * They may produce a temporary confusion, and even a temporary civil war, supported, as they will be, by the money of

England; but they cannot have success ultimately. The King, the mass of the substantial people of the whole country, the army, and the influential part of the clergy, form a firm phalanx which must prevail. Should those delays which necessarily attend the deliberations of a body of one thousand two hundred men, give time to this plot to ripen and burst, so as to break up the Assembly before any thing definitive is done, a constitution, the principles of which are pretty well settled in the minds of the Assembly, will be proposed by the national militia, (* * * * *) urged by the individual members of the Assembly, signed by the King and supported by the nation, to prevail till circumstances shall permit its revision and more regular sanction. This I suppose the *pis aller* of their affairs, while their probable event is a peaceable settlement of them. They fear a war from England, Holland, and Prussia. I think England will give money, but not make war. Holland would soon be afire, internally, were she to be embroiled in external difficulties. Prussia must know this, and act accordingly.

It is impossible to desire better dispositions towards us, than prevail in this Assembly. Our proceedings have been viewed as a model for them on every occasion; and though in the heat of debate men are generally disposed to contradict every authority urged by their opponents, ours has been treated like that of the Bible, open to explanation, but not to question. I am sorry that in the moment of such a disposition, any thing should come from us to check it. The placing them on a mere footing with the English, will have this effect. When of two nations, the one has engaged herself in a ruinous war for us, has spent her blood and money to save us, has opened her bosom to us in peace, and received us almost on the footing of her own citizens, while the other has moved heaven, earth, and hell to exterminate us in war, has insulted us in all her councils in peace, shut her doors to us in every part where her interests would admit it, libelled us in foreign nations, endeavored to poison them against the reception of our most precious commodities; to place these two nations on a footing, is to give a great deal more to one than to the other, if the maxim be true, that to make unequal quantities equal, you must add more to one than the other. To say, in excuse, that gratitude is never to enter into the motives of national conduct, is to revive a principle which has been buried for centuries with its kindred principles of the lawfulness of assassination, poison, perjury, &c. All of these were legitimate principles in the dark ages which intervened between ancient and modern civilization, but exploded and held in just horror in the eighteenth century. I know but one code of morality for men, whether acting singly or collectively. He who says I will be a rogue when I act in company with a hundred others, but an honest man when I act alone, will be believed in the former assertion, but not in the latter. I would say with the poet, '*Hic niger est ; hunc tu, Romane, caveto.*' If the morality of one man produces a just line of conduct in him, acting individually, why should not the morality of one hundred men produce a just line of conduct in them, acting together? But I indulge myself in these reflections because my own feelings run me into them; with you they were always acknowledged. Let us hope that our new government will take some other occasion to show, that they mean to proscribe no virtue from the canons of their conduct with other nations. In every other instance, the new government has ushered itself to the world as honest, masculine, and dignified. It has shown genuine dignity, in my opinion, in exploding adulatory titles; they are the offerings of abject baseness, and nourish that degrading vice in the people.

I must now say a word on the declaration of rights, you have been so good as to send me. I like it, as far as it goes; but I should have been for going further. For instance, the following alterations and additions would have pleased me. 'Article 4. The people shall not be deprived of their right to speak, to write, or *otherwise* to publish any thing but false facts affecting injuriously the life, liberty, property, or reputation of others, or affecting the peace of the confederacy with foreign nations. Article 7. All facts put in issue before any judicature, shall be tried by jury, except, 1. in cases of admiralty jurisdiction, wherein a foreigner shall be interested; 2. in cases cognizable before a court martial, concerning only the regular officers and soldiers of the United States, or members of the militia in actual service in time of war or insurrection; and 3. in impeachments allowed by the constitution. Article 8. No person shall be held in confinement more than —— days after he shall have demanded and been refused a writ of *habeas corpus* by the judge appointed by law, nor more than —— days after such a writ shall have been served on the person holding him in confinement, and no order given on due examination for his remandment or discharge, nor more than —— hours in any place at a greater distance than —— miles from the usual residence of some judge authorized to issue the writ of *habeas corpus;* nor shall that writ be suspended for any term exceeding one year, nor in any place more than —— miles distant from the State or encampment of enemies or of insurgents. Article 9. Monopolies may be allowed to persons for their own productions in literature, and their own inventions in the arts, for a term not exceeding —— years, but for no longer term, and no other purpose. Article 10. All troops of the United States shall stand *ipso facto* disbanded, at the expiration of the term for which their pay and subsistence shall have been last voted by Congress, and all officers and soldiers, not natives of the United States, shall be incapable of serving in their armies by land, except during a foreign war.' These restrictions I think are so guarded, as to hinder evil only. However, if we do not have them now, I have so much confidence in my countrymen, as to be satisfied that we shall have them as soon as the degeneracy of our government shall render them necessary.

I have no certain news of Paul Jones. I understand only, in a general way, that some persecution on the part of his officers occasioned his being called to Petersburg, and that though protected against them by the Empress, he is not yet restored to his station. Silas Deane is coming over to finish his days in America, not having one sous to subsist on, elsewhere. He is a wretched monument of the consequences of a departure from right. I will, before my departure, write Colonel Lee fully the measures I pursued to procure success in his business, and which as yet offer little hope; and I shall leave it in the hands of Mr. Short to be pursued, if any prospect opens on him. I propose to sail from Havre as soon after the first of October as I can get a vessel; and shall consequently leave this place a week earlier than that. As my daughters will be with me, and their baggage somewhat more than that of mere *voyageures*, I shall endeavor, if possible, to obtain a passage for Virginia directly. Probably I shall be there by the last of November. If my immediate attendance at New York should be requisite for any purpose, I will leave them with a relation near Richmond, and proceed immediately to New York. But as I do not foresee any pressing purpose for that journey immediately on my arrival, and as it will be a great saving of time, to finish at once in Virginia, so as to have no occasion to return there after having once gone on to the northward, I expect to proceed to my own house directly. Staying there two months (which I believe will be necessary), and allowing for the time I am on the road, I may expect to be at New York in February, and to embark from thence or some eastern port.

You ask me if I would accept any appointment on that side of the water? You know the circumstances which led me from retirement, step by step, and from one nomination to another, up to the present. My object is a return to the same retirement. Whenever, therefore, I quit the present, it will not be to engage in any other office, and most especially any one which would require a constant residence from home. The books I have collected for you will go off for Havre in three or four days, with my baggage. From that port, I shall try to send them by a direct occasion to New York.

I am, with great and sincere esteem, Dear Sir, your affectionate friend and servant,

Th: Jefferson.

P. S. I just now learn that Mr. Necker proposed yesterday to the National Assembly a loan of eighty millions, on terms more tempting to the lender than the former, and that they approved it, leaving him to arrange the details, in order that they might occupy themselves at once about the constitution. T. J.

LETTER XI.

TO JAMES MADISON.

Paris, September 6, 1789.

Dear Sir,

I sit down to write to you, without knowing by what occasion I shall send my letter. I do it, because a subject comes into my head, which I would wish to develope a little more than is practicable in the hurry of the moment of making up general despatches.

The question, whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. The course of reflection in which we are immersed here, on the elementary principles of society, has presented this question to my mind ; and that no such obligation can be so transmitted, I think very capable of proof. I set out on this ground, which I suppose to be self-evident, that the *earth belongs in usufruct to the living :* that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of its lands in severalty, it will be taken by the first occupants, and these will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to his creditor.

But the child, the legatee, or creditor, takes it not by natural right, but by a law of the society of which he is a member, and to which he is subject. Then, no man can, by *natural right*, oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might, during his own life, eat up the usufruct of the lands for several generations to come ; and then the lands would belong to the dead, and not to the living, which is the reverse of our principle.

What is true of every member of the society individually, is true of them all collectively ; since the rights of the whole can be no more than the sum of the rights of the individuals. To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day, leaving a succeeding generation in the moment of attaining their mature age, all together. Let the ripe age be supposed of twenty-one years, and their period of life thirty-four years more, that being the average term given by the bills of mortality to persons of twenty-one years of age. Each successive generation would, in this way, come and go off the stage at a fixed moment, as individuals do now. Then I say, the earth belongs to each of these generations during its course, fully and in its own right. The second generation receives it clear of the debts and incumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the earth would belong to the dead and not to the living generation. Then no generation can contract debts greater than may be paid during the course of its own existence. At twenty-one years of age, they may bind themselves and their lands for thirty-four years to come ; at twenty-two, for thirty-three ; at twenty-three, for thirty-two ; and at fifty-four, for one year only ; because these are the terms of life which remain to them at the respective epochs. But a material difference must be noted, between the succession of an individual and that of a whole generation. Individuals are parts only of a society, subject to the laws of the whole. These laws may appropriate the portion of land occupied by a decedent, to his creditor rather than to any other, or to his child, on condition he satisfies the creditor. But when a whole generation, that is, the whole society, dies, as in the case we have supposed, and another generation or society succeeds, this forms a whole, and there is no superior who can give their territory to a third society, who may have lent money to their predecessors, beyond their faculties of paying.

What is true of generations succeeding one another at fixed epochs, as has been supposed for clearer conception, is true for those renewed daily, as in the actual course of nature. As a majority of the contracting generation will continue in being thirty-four years, and a new majority will then come into possession, the former may extend their engagements to that term, and no longer. The conclusion, then, is, that neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time, that is to say, within thirty-four years from the date of the engagement.

To render this conclusion palpable, suppose that Louis the XIV. and XV. had contracted debts in the name of the French nation, to the amount of ten thousand milliards, and that the whole had been contracted in Holland. The interest of this sum would be five hundred milliards, which is the whole rent-roll or nett proceeds of the territory of France. Must the present generation of men have retired from the territory in which nature produces them, and ceded it to the Dutch creditors? No; they have the same rights over the soil on which they were produced, as the preceding generations had. They derive these rights not from them, but from nature. They, then, and their soil are, by nature, clear of the debts of their predecessors. To present this in another point of view, suppose Louis XV. and his cotemporary generation had said to the money-lenders of Holland, Give us money, that we may eat, drink, and be merry in our day; and on condition you will demand no interest till the end of thirty-four years, you shall then, for ever after, receive an annual interest of fifteen per cent. The money is lent on these conditions, is divided among the people, eaten, drunk, and squandered. Would the present generation be obliged to apply the produce of the earth and of their labor, to replace their dissipations? Not at all.

I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing, habitually, in private life, that he who succeeds to lands is required to pay the debts of his predecessor; without considering that this requisition is municipal only, not moral, flowing from the will of the society, which has found it convenient to appropriate the lands of a decedent on the condition of a payment of his debts: but that between society and society, or generation and generation, there is no municipal obligation, no umpire, but the law of nature.

The interest of the national debt of France being, in fact, but a two thousandth part of its rent-roll, the payment of it is practicable enough; and so becomes a question merely of honor or of expediency. But with respect to future debts, would it not be wise and just for that nation to declare in the constitution they are forming, that neither the legislature nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of thirty-four years? And that all future contracts shall be deemed void, as to what shall remain unpaid at the end of thirty-four years from their date? This would put the lenders, and the borrowers also, on their guard. By reducing, too, the faculty of borrowing within its natural limits, it would bridle the spirit of war, to which too free a course has been procured by the inattention of money-lenders to this law of nature, that succeeding generations are not responsible for the preceding.

On similar ground it may be proved, that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation: they may manage it, then, and what proceeds from it, as they please, during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors are extinguished then, in their natural course, with those whose will gave them being. This could preserve that being, till it ceased to be itself, and no longer. Every constitution, then, and every law, naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force and not of right. It may be said that the succeeding generation exercising, in fact, the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to thirty-four years only. In the first place, this objection admits the right, in proposing an equivalent. But the power of repeal is not an equivalent. It might be, indeed, if every form of government were so perfectly contrived, that the will of the majority could always be obtained, fairly and without impediment. But this is true of no form. The people cannot assemble themselves; their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils, bribery corrupts them, personal interests lead them astray from the general interests of their constituents; and other impediments arise, so as to prove to every practical man, that a law of limited duration is much more manageable than one which needs a repeal.

This principle, that the earth belongs to the living and not to the dead, is of very extensive application and consequences in every country, and most especially in France. It enters into the resolution of the questions, whether the nation may change the descent of lands holden in tail; whether they may change the appropriation of lands given anciently to the church, to hospitals, colleges, orders of chivalry, and otherwise in perpetuity; whether they may abolish the charges and privileges attached on lands, including the whole catalogue, ecclesiastical and feudal; it goes to hereditary offices, authorities, and jurisdictions, to hereditary orders, distinctions, and appellations, to perpetual monopolies in commerce, the arts, or sciences, with a long train of *et cæteras;* and it renders the question of reimbursement, a question of generosity and not of right. In all these cases, the legislature of the day could authorize such appropriations and establishments for their own time, but no longer; and the present holders, even where they or their ancestors have purchased, are in the case of *bonâ fide* purchasers of what the seller had no right to convey.

Turn the subject in your mind, my Dear Sir, and particularly as to the power of contracting debts, and develope it with that cogent logic which is so peculiarly yours. Your station in the councils of our country gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush it may be laughed at, as the dream of a theorist; but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first law for appropriating the public revenue: and it will exclude, at the threshold of our new government, the ruinous and contagious errors of this quarter of the globe, which have armed despots with means which nature does not sanction, for binding in chains their fellow-men. We have already given, in example, one effectual check to the dog of war, by transferring the power of declaring war from the executive to the legislative body, from those who are to spend, to those who are to pay. I should be pleased to see this second obstacle held out by us also, in the first instance. No nation can make a declaration against the validity of long contracted debts, so disinterestedly as we, since we do not owe a shilling which will not be paid, principal and interest, by the measures you have taken, within the time of our own lives. I write you no news, because when an occasion occurs, I shall write a separate letter for that.

I am always, with great and sincere esteem, Dear Sir, your affectionate friend and servant,

TH: JEFFERSON.

LETTER XII.

THOMAS JEFFERSON TO DR. GEM.

The hurry in which I wrote my letter to Mr. Madison, which is in your hands, occasioned an inattention to the difference between generations succeeding each other at fixed epochs, and generations renewed daily and hourly. It is true that in the former case, the generation when at twenty-one years of age, may contract a debt for thirty-four yours, because a majority of them will live so long. But a generation consisting of all ages, and which legislates by all its members above the age of twenty-one years, cannot contract for so long a time, because their majority will be dead much sooner. Buffon gives us a table of twenty-three thousand nine hundred and ninety-four deaths, stating the ages at which they happened. To draw from these the result I have occasion for, I suppose a society in which twenty-three thousand nine hundred and ninety-four persons are born every year, and live to the age stated in Buffon's table. Then, the following inferences may be drawn. Such a society will consist constantly of six hundred and seventeen thousand seven hundred and three persons, of all ages. Of those living at any one instant of time, one half will be dead in twenty-four years and eight months. In such a society, ten thousand six hundred and seventy-five will arrive every year at the age of twenty-one years complete. It will constantly have three hundred and forty-eight thousand four hundred and seventeen persons of all ages above twenty-one years, and the half of those of twenty-one years and upwards living at any one instant of time, will be dead in eighteen years and eight months, or say nineteen years.

Then, the contracts, constitutions, and laws of every such society become void in nineteen years from their date.

LETTER XIII.

TO GENERAL KNOX.

Paris, September 12, 1789.

Sir,

In a letter which I had the honor of writing to the Secretary for Foreign Affairs, some three or four years ago, I informed him that a workman here had undertaken by the help of moulds and other means, to make all the parts of the musket so exactly alike, as that, mixed together promiscuously, any one part should serve equally for every musket. He had then succeeded as to the lock both of the officer's fusil and the soldier's musket. From a promiscuous collection of parts, I put together myself half a dozen locks, taking the first pieces which came to hand. He has now completed the barrel, stock, and mounting of the officer's fusil, and is proceeding on those of the soldier's musket. This method of forming the fire-arm appears to me so advantageous when repairs become necessary, that I thought it my duty not only to mention to you the progress of this artist, but to purchase and send you half a dozen of his officer's fusils. They are packed in a box marked T. J. No. 36, and are sent to Havre, from whence they shall be forwarded to New York. The barrels and furniture are to their stocks, to prevent the warping of the wood. The locks are in pieces. You will find with them tools for putting them together, also a single specimen of his soldier's lock. He formerly told me, and still tells me, that he shall be able, after a while, to furnish them cheaper than the common musket of the same quality, but at first, they will not be so cheap in the first cost, though the economy in repairs will make them so in the end. He cannot tell me exactly, at what price he can furnish them. Nor will he be able, immediately, to furnish any great quantity annually ; but with the aid of the government, he expects to enlarge his establishment greatly. If the situation of the finances of this country should oblige the government to abandon him, he would prefer removing with all his people and implements to America, if we should desire to establish such a manufacture, and he would expect our government to take all his implements, on their own account, at what they have cost him. He talked of about three thousand guineas. I trouble you with these details, and with the samples, 1. That you may give the idea of such an improvement to our own workmen, if you think it might answer any good end. 2. That all the arms he shall have for sale, may be engaged for our government, if he continues here, and you think it important to engage them. 3. That you may consider, and do me the honor of communicating your determination, whether in the event of his establishment being abandoned by this government, it might be thought worth while to transfer it to the United States, on conditions somewhat like those he has talked of.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, humble servant,

TH: JEFFERSON.

LETTER XIV.

TO E. RUTLEDGE.

Paris, September 18, 1789.

Dear Sir,

I have duly received your favor by Mr. Cutting, enclosing the paper from Doctor Trumbull, for which I am very thankful. The conjecture that inhabitants may have been carried from the coast of Africa to that of America, by the trade winds, is possible enough; and its probability would be greatly strengthened by ascertaining a similarity of language, which I consider as the strongest of all proofs of consanguinity among nations. Still a question would remain between the red men of the eastern and western sides of the Atlantic, which is the stock, and which the shoot. If a fact be true, which I suspect to be true, that there is a much greater number of radical languages among those of America than among those of the other hemisphere, it would be a proof of superior antiquity, which I can conceive no arguments strong enough to overrule.

When I received your letter, the time of my departure was too near to permit me to obtain information from Constantinople, relative to the demand and price of rice there. I therefore wrote to a merchant at Marseilles, concerned in the Levant trade, for the prices current of rice at Constantinople and at Marseilles for several years past. He has sent me only the present price at Marseilles, and that of a particular cargo at Constantinople. I send you a copy of his letter. The Algerines form an obstacle; but the object of our commerce in the Mediterranean is so immense, that we ought to surmount that obstacle, and I believe it could be done by means in our power, and which, instead of fouling us with the dishonorable and criminal baseness of France and England, will place us in the road to respect with all the world.

I have obtained, and enclose to you, a state of all the rice imported into this country in the course of one year, which shows its annual consumption to be between eighty-one and eighty-two thousand quintals. I think you may supplant all the other furnishing States, except as to what is consumed at Marseilles and its neighborhood. In fact, Paris is the place of main consumption. Havre, therefore, is the port of deposit, where you ought to have one or two honest, intelligent, and active consignees. The ill success of a first or second experiment should not damp the endeavors to open this market fully, but the obstacles should be forced by perseverance. I have obtained, from different quarters, seeds of the dry rice; but having had time to try them, I find they will not vegetate, having been too long kept. I have still several other expectations from the East Indies. If this rice be as good, the object of health will render it worth experiment with you. Cotton is a precious resource, and which cannot fail with you. I wish the cargo of olive plants sent by the way of Baltimore, and that which you will perceive my correspondent is preparing now to send, may arrive to you in good order. This is the object for the patriots of your country; for that tree once established there, will be the source of the greatest wealth and happiness. But to insure success, perseverance may be necessary. An essay or two may fail. I think, therefore, that an annual sum should be subscribed, and it need not be a great one. A common country laborer should be engaged to make it his sole occupation, to prepare and pack plants and berries at Marseilles, and in the autumn to go with them himself through the canal of Languedoc to Bordeaux, and there to stay with them till he can put them on board a vessel bound directly to Charleston; and this repeated annually, till you have a sufficient stock insured, to propagate from, without further importation. I should guess that fifty guineas a year would do this, and if you think proper to set such a subscription afoot, write me down for ten guineas of the money, yearly, during my stay in France, and offer my superintendence of the business on this side the water, if no better can be had.

Mr. Cutting does full justice to the honorable dispositions of the legislature of South Carolina towards their foreign creditors. None have yet come into the propositions sent to me, except the Van Staphorsts.

The danger of famine here has not ceased with a plentiful harvest. A new and unskilful administration has not yet got into the way of bringing regular supplies to the capital. We are in danger of hourly insurrection for the want of bread; and an insurrection once begun for that cause, may associate itself with those discontented for other causes, and produce incalculable events. But if the want of bread does not produce a commencement of disorder, I am of opinion the other discontents will be stifled, and a good and free constitution established without opposition. In fact, the mass of the people, the clergy, and army, (excepting the higher orders of the three bodies) are in as compact an union as can be. The National Assembly have decided that their executive shall be hereditary, and shall have a suspensive negative on the laws; that the legislature shall be of one House, annual in its sessions and biennial in its elections. Their declaration of rights will give you their other general views. I am just on my departure for Virginia, where the arrangement of my affairs will detain me the winter; after which (say in February) I shall go on to New York, to embark from some northern port for France. In the mean while and always, I am with great and sincere esteem, Dear Sir, your friend and servant.

TH: JEFFERSON.

LETTER XV.

TO JOHN JAY.

Paris, September 19, 1789.

SIR,

I had the honor of addressing you on the 30th of the last month. Since that, I have taken the liberty of consigning to you a box of officers' muskets, containing half a dozen, made by the person and on the plan which I mentioned to you in a letter which I cannot turn to at this moment, but I think it was of the year 1785. A more particular account of them you will find in the enclosed copy of a letter which I have written to General Knox. The box is marked T. J. No. 36, is gone to Havre, and will be forwarded to you by the first vessel bound to New York, by Mr. Nathaniel Cutting, an American gentleman establishing himself there.

Recalling to your mind the account I gave you of the number and size of ships fitted out by the English last year, for the northern whale-fishery, and comparing with it what they have fitted out this year, for the same fishery, the comparison will stand thus:

Years.	Vessels.	Tons.	Men.
1788.	255	75,436	10,710
1789.	178	51,473	7,476
Difference.	77	23,963	3,234

By which you will perceive, that they have lost a third of that fishery in one year, which I think almost entirely, if not quite, ascribable to the shutting the French ports against their oil. I have no account of their southern fishery of the present year.

As soon as I was informed that our bankers had the money ready for the redemption of our captives, I went to the General of the order of the Holy Trinity, who retained all his dispositions to aid us in that business. Having a very confidential agent at Marseilles, better acquainted than himself with the details, he wrote to him for his opinion and information on the subject. I enclose you a copy of his answer, the original of which was communicated to me. I thereupon have authorized the General to go as far as three thousand livres a head for our captives, and for this purpose to adopt the plan proposed, of sending one of his own religion at our expense (which will be small), or any other plan he thinks best. The honesty and goodness of his character places us in safety in his hands. To leave him without any hesitation in engaging himself for such a sum of money, it was necessary to deposit it in a banker's hands here. Mr. Grand's were agreeable to him, and I have therefore desired our banker at Amsterdam to remit it here. I do not apprehend, in the progress of the present revolution, any thing like a general bankruptcy which should pervade the whole class of bankers. Were such an event to appear imminent, the excessive caution of the house of Grand and Company establishes it in the general opinion as the last that would give way, and consequently would give time to withdraw this money from their hands. Mr. Short will attend to this, and will withdraw the money on the first well-founded appearance of danger. He has asked me what he shall do with it. Because it is evident, that when Grand cannot be trusted, no other individual at Paris can, and a general bankruptcy can only be the effect of such disorders, as would render every private house an insecure deposit. I have not hesitated to say to him, in such an event, 'Pay it to the government.' In this case, it becomes only a change of destination and no loss at all. But this has passed between us for greater caution only, and on the worst case supposable: for though a suspension of payment by government might affect the bankers a little, I doubt if any of them have embarked so much in the hands of government as to endanger failure, and especially as they have had such long warning.

You will have known, that the ordinance passed by M. de Chillon in St. Domingo, for opening ports to our importations in another part of the island, was protested against by Marbois. He had always led the Count de la Luzerne by the nose, while Governor of that island. Marbois' representations, and Luzerne's prepossessions against our trade with their colonies, occasioned him, as minister of that department, not only to reverse the ordinance, but to recall Chillon and send out a successor. Chillon has arrived here, and having rendered himself very popular in the islands, their deputies in the National Assembly have brought the question before them. The Assembly has done nothing more, as yet, than to appoint a committee of inquiry. So much of Chillon's ordinance as admitted the importation of our provisions, is continued for a time. M. de Marbois, too, is recalled, I know not why or how. M. de la Luzerne's conduct will probably come under view only incidentally to the general question urged by the colony deputies, whether they shall not be free in future, to procure provisions where they can procure them cheapest. But the deputies are disposed to treat M. de la Luzerne roughly. This, with the disgrace of his brother, the Bishop de Langres, turned out of the presidentship of the National Assembly, for partiality in office to the aristocratic principles, and the disfavor of the Assembly towards M. de la Luzerne himself, as having been formerly of the *plot* (as they call it) with Breteuil and Broglio, will probably occasion him to be out of office soon.

The treasury board have no doubt attended to the necessity of giving timely orders for the payment of the February interest at Amsterdam. I am well informed that our credit is now the first at that exchange, (England not borrowing at present.) Our five per cent. bonds have risen to ninety-seven and ninety-nine. They have been heretofore at ninety-three. There are, at this time, several companies and individuals here, in England, and Holland, negotiating to sell large parcels of our *liquidated debt*. A bargain was concluded by one of these the other day, for six hundred thousand dollars. In the present state of our credit, every dollar of this debt will probably be transferred to Europe within a short time.

September the 20th. The combination of bankers and other ministerial tools had led me into the error (when I wrote my last letter), into which they had led most people, that the loan lately opened here went on well. The truth is, that very little has been borrowed, perhaps not more than six or eight millions. The King and his ministers were yesterday to carry their plate to the mint. The ladies are giving up their jewels to the National Assembly. A contribution of plate in the time of Louis XV. is said to have carried about eight millions to the treasury. Plate is much more common now, and therefore, if the example prevail now in the same degree it did then, it will produce more. The contribution of jewels will hardly be general, and will be unproductive. Mr. Necker is, on the 25th, to go to the Assembly, to make some proposition. The hundreth penny is talked of.

The Assembly proceeds slowly in the forming their constitution. The original vice of their numbers causes this, as well as a tumultuous manner of doing business. They have voted that the elections of the legislature shall be biennial; that it shall be of a single body; but they have not yet decided what shall be its number, or whether they shall be all in one room, or in two (which they call a division into sections). They have determined that the King shall have a *suspensive and iterative veto*: that is, that after negativing a law, it cannot be presented again till after a new election. If he negatives it then, it cannot be presented a third time till after another new election. If it be then presented, he is obliged to pass it. This is perhaps justly considered as a more useful negative than an absolute one, which a King would be afraid to use. Mr. Necker's influence with the Assembly is nothing at all. Having written to them, by order of the King, on the subject of the *veto*, before it was decided, they refused to let his letter be read. Again, lately, when they desired the sanction of the King to their proceedings of the fourth of August, he wrote in the King's name a letter to them, remonstrating against an immedite sanction to the whole; but they persisted, and the sanction was given. His disgust at this want of influence, together with the great difficulties of his situation, make it believed that he is desirous of resigning. The public stocks were extremely low the day before yesterday. The *caisse d'escompte* at three thousand six hundred and forty, and the loan of one hundred and twenty-five millions, of 1784, was at fifteen per cent. loss. Yesterday they rose a little.

The sloth of the assembly (unavoidable from their number) has done the most sensible injury to the public cause. The patience of a people, who have less of that quality than any other nation in the world, is worn thread-bare. Time has been given to the aristocrats to recover from their panic, to cabal, to sow dissensions in the Assembly, and distrust out of it. It has been a misfortune, that the King and aristocracy together have not been able to make a sufficient resistance, to hoop the patriots in a compact body. Having no common enemy of such force as to render their union necessary, they have suffered themselves to divide. The Assembly now consists of four distinct parties. 1. The aristocrats, comprehending the higher members of the clergy, military, nobility, and the parliaments of the whole kingdom. This forms a head without a body. 2. The moderate royalists, who wish for a constitution nearly similar to that of England. 3. The republicans, who are willing to let their first magistracy be hereditary, but to make it very subordinate to the legislature, and to have that legislature consist of a single chamber. 4. The faction of Orleans. The second and third descriptions are composed of honest, well meaning men, differing in opinion only, but both wishing the establishment of as great a degree of liberty as can be preserved. They are considered together as constituting the patriotic part of the Assembly, and they are supported by the soldiery of the army, the soldiery of the clergy, that is to say, the *Curés* and monks, the dissenters, and part of the nobility which is small, and the substantial *Bourgeoisie* of the whole nation. The part of these collected in the cities, have formed themselves into municipal bodies, have chosen municipal representatives, and have organized an armed corps, considerably more numerous in the whole than the regular army. They have also the ministry, such as it is, and as yet, the King. Were the second and third parties, or rather these sections of the same party, to separate entirely, this great mass of power and wealth would be split, no body knows how. But I do not think they will separate; because they have the same honest views; because, each being confident of the rectitude of the other, there is no rancor between them; because they retain the desire of coalescing. In order to effect this, they not long ago proposed a conference, and desired it might be at my house, which gave me an opportunity of judging of their views. They discussed together their points of difference for six hours, and in the course of discussion agreed on mutual sacrifices. The effect of this agreement has been considerably defeated by the subsequent proceedings of the Assembly, but I do not know that it has been through any infidelity of the leaders to the compromise they had agreed on. Another powerful bond of union between these two parties, is our friend the Marquis de la Fayette. He left the Assembly while they as yet formed but one party. His attachment to both is equal, and he labors incessantly to keep them together. Should he be obliged to take part against either, it will be against that which shall first pass the Rubicon of reconciliation with the other. I should hope, in this event, that his weight would be sufficient to turn the scale decidedly in favor of the other. His command of the armed militia of Paris (thirty thousand in number, and comprehending the French guards, who are five thousand regulars), and his influence with the municipality, would secure their city: and though the armed militia and municipalities of the other cities are in no wise subordinate to those of Paris, yet they look up to them with respect, and look particularly to the Marquis de la Fayette, as leading always to the rights of the people. This turn of things is so probable, that I do not think either section of the patriots will venture on any act, which will place themselves in opposition to him.

This being the face of things, troubled as you will perceive, civil war is much talked of and expected; and this talk and expectation has a tendency to beget it. What are the events which may produce it? 1. The want of bread, were it to produce a commencement of disorder, might ally itself to more permanent causes of discontent, and thus continue the effect beyond its first cause. The scarcity of bread, which continues very great amidst a plenty of corn, is an enigma which can be solved only by observing, that the furnishing the city is in the new municipality, not yet masters of their trade. 2. A public bankruptcy. Great numbers of the lower as well as higher classes of the citizens, depend for subsistence on their property in the public funds. 3. The absconding of the King from Versailles. This has for some time been apprehended as possible. In consequence of this apprehension, a person, whose information would have weight, wrote to the Count de Montmorin, adjuring him to prevent it by every possible means, and assuring him that the flight of the King would be the signal of a St. Barthélemi against the aristocrats in Paris, and perhaps through the kingdom. M. de Montmorin showed the letter to the Queen, who assured him solemnly that no such thing was in contemplation. His showing it to the Queen, proves he entertained the same mistrust with the public. It may be asked, What is the Queen disposed to do in the present situation of things? Whatever rage, pride, and fear can dictate in a breast which never knew the presence of one moral restraint.

Upon the whole, I do not see it as yet probable that any actual commotion will take place; and if it does take place, I have strong confidence that the patriotic party will hold together, and their party in the nation be what I have described it. In this case, there would be against them the aristocracy and the faction of Orleans. This consists, at this time, of only the Catilines of the Assembly, and some of the lowest descriptions of the mob. Its force, *within the kingdom*, must depend on how much of this last kind of people it can debauch with money from its present bias to the right cause. This bias is as strong as any one can be, in a class which must accept its bread from him who will give it. Its resources *out of the kingdom* are not known. Without doubt, England will give money to produce and to feed the fire which should consume this country; but it is not probable she will engage in open war for that. If foreign troops should be furnished, it would be most probably by the King of Prussia, who seems to offer himself as the bull-dog of tyranny to all his neighbors. He might, too, be disturbed by the contagion of the same principles gaining his own subjects, as they have done those of the Austrian Netherlands, Liege, Cologne, and Hesse-Cassel. The army of the latter Prince, joining with his subjects, are said to have possessed themselves of the treasures he had amassed by hiring troops to conquer us, and by other iniquities. Fifty-four millions of livres is the sum mentioned. But all these means, external and internal, must prove inadequate to their ultimate object, if the nation be united as it is at present. Expecting within a few days to leave Paris, and that this is my last letter on public subjects, I have indulged myself in giving you a general view of things, as they appear to me at the time of my leaving them. Mr. Short will have the honor of continuing the narration, and of correcting it, where circumstances unknown or unforseen may give a different turn to events.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XVI.

TO MR. NECKER.

Paris, September 26, 1789.

SIR,

I had the honor of waiting on you at Versailles, the day before yesterday, in order to present my respects on my departure to America. I was unlucky in the moment, as it was one in which you were gone out.

I wished to have put into your hands, at the same time, the enclosed state of the British northern fishery for the years 1788 and 1789, by which you will see that they have lost in one year, one third of that fishery, the effect, almost solely, of the *Arrêt* which shut the ports of France to their oils.

I wished also to know, whether, while in America, I could be useful towards encouraging supplies of provision to be brought to this country the ensuing year. I am persuaded a considerable relief to the city of Paris might be obtained, by permitting the importation of salted provisions from the United States. Our salted beef, particularly, (which, since the war, we have learned to prepare in the Irish manner, so as to be as good as the best of that country) could be sold out to the people of Paris, for the half of what they pay for fresh meat. It would seem then, that the laborer paying but half the usual price for his meat, might pay the full price of his bread, and so relieve government from its loss on that article. The interest of the *gabelles* has been an objection, hitherto, to the importation of salted provisions. But that objection is lessened by the reduction of the price of salt, and done away entirely, by the desire of the present government to consider the ease and happiness of the people as the first object. In every country as fully peopled as France, it would seem good policy to encourage the employment of its lands in the cultivation of corn, rather than in pasturage, and consequently to encourage the use of all kinds of salted provisions, because they can be imported from other countries. It may be apprehended, that the Parisian, habituated to fresh provision, would not use salted. Then he would not buy them, and of course they would not be brought, so that no harm can be done by the permission. On the contrary, if the people of Paris should readily adopt the use of salted provisions, the good would result which is before mentioned. Salt meat is not as good as fresh for soups, but it gives an higher flavor to the vegetables boiled with it. The experience of a great part of America, which is fed almost entirely on it, proves it to be as wholesome as fresh meat. The sea scurvy, ascribed by some to the use of salt meat, is equally unknown in America as in Europe. It is the want of vegetables at sea which produces the scurvy. I have thus hastily mentioned reasons and objections, to save you the time and trouble of recollecting them. To you, Sir, it suffices barely to mention them. Mr. Short, *chargé des affaires* of the United States, will have the honor of delivering you this, and of giving you any further details which you may be pleased to require.

I shall hope, on my return in the spring, to find your health re-established, and your mind relieved by a perfect settlement of the affairs of the nation; and with my felicitations on those accounts, to express to you those sentiments of profound respect and attachment, with which I have the honor to be, your Excellency's most obedient and most humble servant,

TH: JEFFERSON.

LETTER XVII.

TO JOHN JAY.

Havre, September 30, 1789.

DEAR SIR,

No convenient ship having offered from any port of France, I have engaged one from London to take me up at Cowes, and am so far on my way thither. She will land me at Norfolk, and as I do not know any service that would be rendered by my repairing immediately to New York, I propose, in order to economize time, to go directly to my own house, get through the business which calls me there, and then repair to New York, where I shall be ready to re-embark for Europe. But should there be any occasion for government to receive any information I can give, immediately on my arrival, I will go to New York on receiving your orders at Richmond. They may probably be there before me, as this goes by Mr. Trumbull, bound directly for New York.

I enclose you herewith the proceedings of the National Assembly on Saturday last, wherein you will perceive that the committee had approved the plan of Mr. Necker. I can add from other sure information received here, that the Assembly adopted it the same evening. This plan may possibly keep their payments alive till their new government gets into motion; though I do not think it very certain. The public stocks lowered so exceedingly the last days of my stay at Paris, that I wrote to our bankers at Amsterdam, to desire they would retain till further orders the thirty thousand guilders, or so much of it as had not yet come on. And as to what might be already coming on, I recommended to Mr. Short to go and take the acceptance himself, and keep the bill in his own hands till the time of payment. He will by that time see what is best to be done with the money.

In taking leave of Monsieur de Montmorin, I asked him whether their West India ports would continue open to us a while. He said they would be immediately declared open till February, and we may be sure they will be so till the next harvest. He agreed with me, that there would be two or three months' provision for the whole kingdom wanting for the ensuing year. The consumption of bread for the whole kingdom, is two millions of livres tournois, a day. The people pay the real price of their bread every where, except at Paris and Versailles. There the price is suffered to vary very little as to them, and government pays the difference. It has been supposed that this difference for some time past has cost a million a week. I thought the occasion favorable to propose to Monsieur de Montmorin the free admission of our salted provisions, observing to him, particularly, that our salted beef from the eastern States could be dealt out to the people of Paris for five or six sols the pound, which is but half the common price they pay for fresh beef; that the Parisian paying less for his meat, might pay more for his bread, and so relieve government from its enormous loss on that article. His idea [of this resource seemed unfavorable. We talked over the objections of the supposed unhealthiness of that food, its tendency to produce scurvy, the chance of its taking with a people habituated to fresh meat, their comparative qualities of rendering vegetables eatable, and the interests of the *gabelles*. He concluded with saying the experiment might be tried, and with desiring me to speak with Mr. Necker. I went to Mr. Necker, but he had gone to the National Assembly. On my return to Paris, therefore, I wrote to him on the subject, going over the objections which Monsieur de Montmorin had started. Mr. Short was to carry the letter himself, and to pursue the subject.

Having observed that our commerce to Havre is considerably on the increase, and that most of our vessels coming there, and especially those from the eastward, are obliged to make a voyage round to the neighborhood of the Loire and Garonne for salt, a voyage attended with expense, delay, and more risk, I have obtained from the Farmers General, that they shall be supplied from their magazines at Honfleur, opposite to Havre, at a mercantile price. They fix it at present at sixty livres the *muid*, which comes to about fifteen sous, or seven and a half pence sterling our bushel; but it will vary as the price varies at the place from which they bring it. As this will be a great relief to such of our vessels coming to Havre, as might wish to take back salt, it may perhaps be proper to notify it to our merchants. I enclose herewith Mr. Necker's discourse to the Assembly, which was not printed till I left Paris: and have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XVIII.

TO THE PRESIDENT.

Chesterfield, December 15, 1789.

SIR,

I have received at this place the honor of your letters of October the 13th and November the 30th, and am truly flattered by your nomination of me to the very dignified office of Secretary of State; for which permit me here to return you my humble thanks. Could any circumstance seduce me to overlook the disproportion between its duties and my talents, it would be the encouragement of your choice. But when I contemplate the extent of that office, embracing as it does the principal mass of domestic administration, together with the foreign, I cannot be insensible of my inequality to it; and I should enter on it with gloomy forebodings from the criticisms and censures of a public, just indeed in their intentions, but sometimes misinformed and misled, and always too respectable to be neglected. I cannot but foresee the possibility that this may end disagreeably for me, who, having no motive to public service but the public satisfaction, would certainly retire the moment that satisfaction should appear to languish. On the other hand, I feel a degree of familiarity with the duties of my present office, as far at least as I am capable of understanding its duties. The ground I have already passed over, enables me to see my way into that which is before me. The change of government too, taking place in the country where it is exercised, seems to open a possibility of procuring from the new rulers some new advantages in commerce, which may be agreeable to our countrymen. So that as far as my fears, my hopes, or my inclination might enter into this question, I confess they would not lead me to prefer a change.

But it is not for an individual to choose his post. You are to marshal us as may best be for the public good; and it is only in the case of its being indifferent to you, that I would avail myself of the option you have so kindly offered in your letter. If you think it better to transfer me to another post, my inclination must be no obstacle; nor shall it be, if there is any desire to suppress the office I now hold, or to reduce its grade. In either of these cases, be so good only as to signify to me by another line your ultimate wish, and I shall conform to it cordially. If it should be to remain at New York, my chief comfort will be to work under your eye, my only shelter the authority of your name, and the wisdom of measures to be dictated by you and implicitly executed by me. Whatever you may be pleased to decide, I do not see that the matters which have called me hither, will permit me to shorten the stay I originally asked; that is to say, to set out on my journey northward till the month of March. As early as possible in that month, I shall have the honor of paying my respects to you in New York. In the mean time, I have that of tendering you the homage of those sentiments of respectful attachment, with which I am, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XIX.

TO HENRY LAURENS, ESQUIRE.

New York, March 31, 1790.

Sir,

Encroachments being made on the eastern limits of the United States, by settlers under the British government, pretending that it is the western and not the eastern river of the bay of Passamaquoddy, which was designated by the name of St. Croix in the treaty of peace with that nation, I have to beg the favor of you to communicate any facts which your memory or papers may enable you to recollect, and which may indicate the true river, the commissioners on both sides had in their view to establish as the boundary between the two nations. It will be of some consequence to be informed by what map they traced the boundary.

I have the honor to be, with the greatest respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER XX.

TO MR. VANDERKEMP.

New York, March 31, 1790.

Sir,

The letter has been duly received which you addressed to the President of the United States, praying his interference with the government of the United Netherlands, on the subject of property you left there on coming to America. I have it in charge to inform you that the United States have at present no minister at the Hague, and consequently no channel through which they could express their concern for your interests. However willing, too, we are to receive and protect all persons who come hither, with the property they bring, perhaps it may be doubted, how far it would be expedient to engage ourselves for what they leave behind, or for any other matter retrospective to their becoming citizens. In the present instance, we hope, that no confiscation of the residuum of your property left in the United Netherlands having taken place, the justice of that government will leave you no occasion for that interference which you have been pleased to ask from this.

I have the honor to be, Sir, your most obedient and most humble servant,
TH: JEFFERSON.

LETTER XXI.

TO GEORGE JOY.

New York, March 31, 1790.

SIR,

I have considered your application for sea-letters for the ship Eliza, and examined into the precedents which you supposed might influence the determination. The resolution of Congress, which imposes this duty on the Secretary for Foreign Affairs, provides expressly, 'that it be made to appear to him by oath or affirmation, or *by such other evidence as shall by him be deemed satisfactory*, that the vessel is commanded by officers, citizens of the United States.' Your affidavit satisfies me that one of the officers is a citizen of the United States; but you are unacquainted with the others, and without evidence as to them, and even without a presumption that they are citizens, except so far as arises on the circumstances of the captain's being an American, and the ship sailing from an American port. Now, I cannot in my conscience say, that this is *evidence of the fact, satisfactory to my mind.* The precedents of relaxation by Mr. Jay, were all between the date of the resolution of Congress (February the 12th, 1788) and his public advertisement, announcing the evidence which must be produced. Since this last, the proceedings have been uniform and exact. Having perfect confidence in your good faith, and therefore without a suspicion of any fraud intended in the present case, I could have wished sincerely to grant the sea-letter; but besides the letter of the law which ties me down, the public security against a partial dispensation of justice, depends on its being dispensed by certain rules. The slightest deviation in one circumstance, becomes a precedent for another, that for a third, and so on without bounds. A relaxation in a case where it is certain no fraud is intended, is laid hold of by others, afterwards, to cover fraud. I hope, therefore, you will be sensible of the necessity of my adhering to the rules which have been published and practised by my predecessor; and that I am with great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXII.

TO THE COUNT DE MONTMORIN.

New York, April 6, 1790.

Sir,

The President of the United States having thought proper to assign to me other functions than those of their Minister Plenipotentiary near the King, I have the honor of addressing to your Excellency my letters of recall, and of beseeching you to be so good as to present them, with the homage of my respectful adieus, to his Majesty.

It is with great satisfaction that I find myself authorized to conclude, as I had begun my mission, with assurances of the attachment of our government to the King and his people, and of its desire to preserve and strengthen the harmony and good understanding, which has hitherto so happily subsisted between the two nations.

Give me leave to place here, also, my acknowledgments to your Excellency, personally, for the facilities you have been pleased always to give in the negotiation of the several matters I have had occasion to treat with you during my residence at your court. They were ever such as to evince, that the friendly dispositions towards our republic which you manifested even from its birth, were still found consistent with that patriotism of which you have continued to give such constant and disinterested proofs. May this union of interests for ever be the patriot's creed in both countries. Accept my sincere prayers that the King, with life and health, may be long blessed with so faithful and able a servant, and you with a Prince, the model of royal excellence; and permit me to retain, to my latest hours, those sentiments of affectionate respect and attachment, with which I have the honor to be your Excellency's most obedient and most humble servant,

Th: Jefferson.

LETTER XXIII.

TO THE COUNT DE MONTMORIN.

New York, April 6, 1790.

Sir,

The President of the United States having been pleased, in the month of June last, to give me leave of absence for some time from the court of France, and to appoint Mr. William Short *chargé des affaires* for the United States during my absence, and having since thought proper to call me to the office of Secretary of State, comprehending that of Foreign Affairs, I have now the honor of requesting you to give credence to whatever Mr. Short shall say to you on my part. He knows the interest which our republic takes in the prosperity of France, our strong desire to cultivate its friendship, and my zeal to promote it by whatever may depend on my ministry, and I have no doubt he will so conduct himself as to merit your confidence. I avail myself of this occasion of tendering you assurances of the sentiments of respect and esteem, with which I have the honor to be your Excellency's most obedient and most humble servant,

Th : Jefferson.

LETTER XXIV.

TO WILLIAM SHORT.

New York, April 6, 1790.

Sir,

My last to you was of March the 28th. Since that, yours of the 2nd and 6th of January have come to hand, together with the ratification of the consular convention.

I send you herewith a letter from the President to the King, notifying my recall, with a letter of leave to Monsieur de Montmorin, and another of credence for you to the same, all of which you will be pleased to deliver to him. Copies of them are enclosed for your information.

We are extremely mortified at the prospect there is, that the act of justice and gratitude to the court of France, which Congress, in the first moment it ever was in their power, have been, and still are preparing, may arrive too late, to save that court from the necessity of parting with our debt to a disadvantage. The Secretary of the Treasury, having by order of Congress reported a plan for funding both our foreign and domestic debts, they thought it necessary, by a re-commitment, to subject that part of it which concerned the domestic debt, to maturer discussion. But the clause 'for making such adequate provision for fulfilling our engagements in respect to our foreign debt,' was not re-committed, because not susceptible of any abridgment or modification. On the contrary, it was passed without a dissenting voice, and only waits till the residue of that system of which it makes a part, can be digested and put into the form of a law. I send you a copy of the resolution, to be communicated to Monsieur de Montmorin and Monsieur Necker, and anxiously wish it may arrive in time to prevent a disadvantageous alienation, by satisfying these ministers that we are exerting ourselves to repay to that country, in her hour of difficulty, what she generously advanced for us, in ours.

You may remember, I purchased some officer's fusils, had them packed in my presence, and sent with my own baggage to Havre. When they arrived here, the plates and other principal parts of the locks were no longer in the box. It is necessary, therefore, that the workman send you six new locks, which may be applied to the stocks and barrels we have, and that you be so good as to forward these by the first safe conveyance.

Press the negotiation for our captives, in the line and on the terms I had fixed, not binding us further without further advice, and be pleased to apprize us of its present situation and future progress, as being a subject we have at heart.

The Leyden gazettes furnishing so good information of the interesting scenes now passing in Europe, I must ask your particular attention to the forwarding them as frequently as it is possible to find conveyances. The English papers bring their lies very fresh, and it is very desirable to be provided with an authentic contradiction in the first moment.

You will receive, herewith, the newspapers and other interesting papers, as usual.

I have the honor to be, with the most perfect esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXV.

TO THE COUNT DE FLORIDA BLANCA.

New York, April 11, 1790.

SIR,

The President of the United States having thought proper to name Mr. William Carmichael their *chargé des affaires*, near his Catholic Majesty, I have now the honor of announcing the same to your Excellency, and of praying you to give credence to whatever he shall say to you on my part. He knows the concern our republic takes in the interest and prosperity of Spain, our strong desire to cultivate its friendship, and to deserve it by all the good offices which esteem and neighborhood may dictate; he knows also my zeal to promote these by whatever may depend on my ministry. I have no doubt that Mr. Carmichael will so conduct himself as to merit your confidence; and I avail myself with pleasure of this occasion of tendering to you assurances of those sentiments of respect and esteem, with which I have the honor to be, your Excellency's most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXVI.

TO WILLIAM CARMICHAEL.

New York, April 11, 1789.

Sir,

A vessel being about sail from this port for Cadiz, I avail myself of it to inform you, that under the appointment of the President of the United States, I have entered on the duties of Secretary of State, comprehending the department of Foreign Affairs.

Mr. Jay's letter of October the 2nd acknowledged the receipt of the last of yours which have come to hand. Since that date he wrote you on the 7th of December, enclosing a letter for Mr. Chiappe.

The receipt of his letter of September the 9th, 1788, having never been acknowledged, the contents of which were important and an answer wished for, I send you herewith a duplicate, lest it should have miscarried.

You will also receive, herewith, a letter of credence for yourself, to be delivered to the Count de Florida Blanca, after putting thereon the proper address, with which I am unacquainted. A copy of it is enclosed for your information.

I beg leave to recommend the case of Don Blas Gonzalez to your good offices with the court of Spain, enclosing you the documents necessary for its illustration. You will perceive, that two vessels were sent from Boston in the year 1787, on a voyage of discovery and commercial experiment in general, but more particularly to try a fur-trade with the Russian settlements, on the northwest coast of our continent, of which such wonders have been published in Captain Cook's voyages, that it excited similar expeditions from other countries also; and that the American vessels were expressly forbidden to touch at any Spanish port, but in cases of extreme distress. Accordingly, through the whole of their voyage through the extensive latitudes held by that crown, they never put into any port but in a single instance. In passing near the island of Juan Fernandez, one of them was damaged by a storm, her rudder broken, her mast disabled, and herself separated from her companion. She put into the island to refit, and at the same time, to wood and water, of which she began to be in want. Don Bias Gonzalez, after examining her, and finding she had nothing on board but provisions and charts, and that her distress was real, permitted her to stay a few days, to refit and take in fresh supplies of wood and water. For this act of common hospitality, he was immediately deprived of his government, unheard, by superior order, and remains still under disgrace. We pretend not to know the regulations of the Spanish government, as to the admission of foreign vessels into the ports of their colonies; but the generous character of the nation is a security to us, that their regulations can, in no instance, run counter to the laws of nature; and among the first of her laws, is that which bids us to succor those in distress. For an obedience to this law, Don Blas appears to have suffered; and we are satisfied, it is because his case has not been able to penetrate to his Majesty's ministers, at least, in its true colors. We would not choose to be committed by a formal solicitation, but we would wish you to avail yourself of any good opportunity of introducing the truth to the ear of the minister, and of satisfying him, that a redress of this hardship on the Governor would be received here with pleasure, as a proof of respect to those laws of hospitality which we would certainly observe in a like case, as a mark of attention towards us, and of justice to an individual for whose sufferings we cannot but feel.

With the present letter, you will receive the public and other papers as usual, and I shall thank you in return, for a regular communication of the best gazettes published in Madrid.

I have the honor to be, with sentiments of the most perfect esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXVII.

TO MR. GRAND.

New York, April 23, 1790.

DEAR SIR,

You may remember that we were together at the Hôtel de la Monnoye, to see Mr. Drost strike coins in his new manner, and that you were so kind as to speak with him afterwards on the subject of his coming to America. We are now in a condition to establish a mint, and should be desirous of engaging him in it. I suppose him to be at present in the service of Watt and Bolton, the latter of whom you may remember to have been present with us at the Monnoye. I know no means of communicating our dispositions to Drost so effectually as through your friendly agency, and therefore take the liberty of asking you to write to him, to know what emoluments he receives from Watts and Bolton, and whether he would be willing to come to us for the same? If he will, you may give him an expectation, but without an absolute engagement, that we will call for him immediately, and that with himself, we may probably take and pay him for all the implements of coinage he may have, suited to our purpose. If he asks higher terms, he will naturally tell you so, and what they are; and we must reserve a right to consider of them. In either case, I will ask your answer as soon as possible. I need not observe to you, that this negotiation should be known to nobody but yourself, Drost, and Mr. Short. The good old Dr. Franklin, so long the ornament of our country, and, I may say, of the world, has at length closed his eminent career. He died on the 17th instant, of an imposthume of his lungs, which having suppurated and burst, he had not strength to throw off the matter, and was suffocated by it. His illness from this imposthume was of sixteen days. Congress wear mourning for him, by a resolve of their body.

I beg you to present my friendly respects to Madame Grand, the elder and younger, and to your son, and believe me to be, with sentiments of great esteem and attachment, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXVIII.

TO THE MARQUIS DE LA LUZERNE.

New Nork, April 30, 1790.

Sir,

When in the course of your legation to the United States, your affairs rendered it necessary that you should absent yourself a while from that station, we flattered ourselves with the hope that that absence was not final. It turned out, in event, that the interests of your sovereign called for your talents and the exercise of your functions, in another quarter. You were pleased to announce this to the former Congress through their Secretary for Foreign Affairs, at a time when that body was closing its administration, in order to hand it over to a government then preparing on a different model. This government is now formed, organized, and in action; and it considers among its earliest duties, and assuredly among its most cordial, to testify to you the regret which the people and government of the United States felt at your removal from among them; a very general and sincere regret, and tempered only by the consolation of your personal advancement, which accompanied it. You will receive, Sir, by order of the President of the United States, as soon as they can be prepared, a medal and chain of gold, of which he desires your acceptance, in token of their esteem, and of the sensibility with which they will ever recall your legation to their memory.

But as this compliment may hereafter be rendered to other missions, from which yours was distinguished by eminent circumstances, the President of the United States wishes to pay you the distinguished tribute of an express acknowledgment of your services, and our sense of them. You came to us, Sir, through all the perils which encompassed us on all sides. You found us struggling and suffering under difficulties, as singular and trying as our situation was new and unprecedented. Your magnanimous nation had taken side with us in the conflict, and yourself became the centre of our common councils, the link which connected our common operations. In that position you labored without ceasing, till all our labors were crowned with glory to your nation, freedom to ours, and benefit to both. During the whole, we had constant evidence of your zeal, your abilities, and your good faith. We desire to convey this testimony of it home to your own breast, and to that of your sovereign, our best and greatest friend; and this I do, Sir, in the name, and by the express instruction of the President of the United States.

I feel how flattering it is to me, Sir, to be the organ of the public sense on this occasion, and to be justified, by that office, in adding to theirs, the homage of those sentiments of respect and esteem, with which I have the honor to be your Excellency's most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXIX.

TO WILLIAM SHORT.

New York, April 30, 1790.

DEAR SIR,

My last letter to you was of the 6th instant, acknowledging the receipt of your favors of the 2nd and 6th of January. Since that, Mr. Jay has put into my hands yours of the 12th of January, and I have received your note of Febuary the 10th, accompanying some newspapers.

Mine of the 6th covered the President's letter to the King for my recall, and my letters of leave for myself and of credence to you, for the Count de Montmorin, with copies of them for your information. Duplicates of all these accompany the present; and an original commission for you as *chargé des affaires*, signed by the President. At the date of my former letters, I had not had time to examine with minuteness the proper form of credentials under our new constitution: I governed myself, therefore, by foreign precedents, according to which a *chargé des affaires* is furnished with only a letter of credence from one minister of Foreign Affairs to the other. Further researches have shown me, that under our new constitution, all commissions (or papers amounting to that) must be signed by the President. You will judge whether any explanation on this subject to M. de Montmorin be necessary. I enclose you also the copy of a letter written to the Marquis de la Luzerne, to be communicated to the Count de Montmorin, and by him to the King, if he thinks proper.

It has become necessary to determine on a present proper to be given to diplomatic characters on their taking leave of us; and it is concluded that a medal and chain of gold will be the most convenient. I have, therefore, to ask the favor of you to order the dies to be engraved with all the despatch practicable.

The medal must be of thirty lines diameter, with a loop on the edge to receive the chain. On one side, must be the arms of the United States, of which I send you a written description, and several impressions in wax to render that more intelligible; round them, as a legend, must be 'The United States of America.' The device of the other side we do not decide on. One suggestion has been a Columbia (a fine female figure), delivering the emblems of peace and commerce to a Mercury, with a legend 'Peace and Commerce' circumscribed, and the date of our republic, to wit, IV July 'MDCCLXXVI,' subscribed as an *exergum:* but having little confidence in our own ideas in an art not familiar here, they are only suggested to you, to be altered, or altogether postponed to such better device as you may approve, on consulting with those who are in the habit and study of medals. Duvivier and Dupré seem to be the best workmen; perhaps the last is the best of the two.

The public papers, which accompany this, will give you fully the news of this quarter.

I am with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXX.

TO MR. DUMAS.

New York, June 23, 1790.

DEAR SIR,

I arrived at this place the letter end of March, and undertook the office to which the President had been pleased to appoint me, of Secretary of State, which comprehends that of Foreign Affairs. Before I had got through the most pressing matters which had been accumulating, a long illness came upon me, and put it out of my power for many weeks to acknowledge the receipt of your letters. * * * * * * *

We are much pleased to learn the credit of our paper at Amsterdam. We consider it as of the first importance, to possess the first credit there, and to use it little. Our distance from the wars of Europe, and our disposition to take no part in them, will, we hope, enable us to keep clear of the debts which they occasion to other powers. It will be well for yourself and our bankers, to keep in mind always, that a great distinction is made here, between our foreign and domestic paper. As to the foreign, Congress is considered as the representative of one party only, and I think I can say with truth, that there is not one single individual in the United States, either in or out of office, who supposes they can ever do any thing which might impair their foreign contracts. But with respect to domestic paper, it is thought that Congress, being the representative of both parties, may shape their contracts so as to render them practicable, only seeing that substantial justice be done. This distinction will explain to you their proceedings on the subject of their debts. The funding their foreign debts, according to express contract, passed without a debate and without a dissenting voice. The modeling and funding the domestic debt occasions great debates and great difficulty. The bill of ways and means was lately thrown out, because an excise was interwoven into its texture; and another ordered to be brought in, which will be clear of that. The assumption of the debts contracted by the States to individuals, for services rendered the Union, is a measure which divides Congress greatly. Some think that the States could much more conveniently levy taxes themselves to pay off these, and thus save Congress from the odium of imposing too heavy burthens in their name. This appears to have been the sentiment of the majority hitherto. But it is possible that modifications may be proposed, which may bring the measure yet into an acceptable form. We shall receive with gratitude the copy of Rymer's Fœdera, which you are so good as to propose for the use of our offices here.

I have the honor to be, with great esteem, Dear Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER XXXI.

TO MR. DUMAS.

New York, July 13, 1790.

Sir,

I wrote you last on the 23rd of June, since which I have received yours of March the 24th to the 30th.

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Congress are still engaged in their funding bills. The foreign debts did not admit of any difference of opinion. They were settled by a single and unanimous vote: but the domestic debt requiring modifications and settlements, these produce great difference of opinion, and consequently retard the passage of the funding bill. The States had individually contracted considerable debts for their particular defence, in addition to what was done by Congress. Some of the States have so exerted themselves since the war, as to have paid off near the half of their individual debts. Others have done nothing. The State creditors urge, that these debts were as much for general purposes as those contracted by Congress, and insist that Congress shall assume and pay such of them as have not been yet paid by their own States. The States who have exerted themselves most, find, that notwithstanding the great payments they have made, they shall by this assumption, still have nearly as much to pay as if they had never paid any thing. They are therfore opposed to it. I am in hopes a compromise will be effected by a proportional assumption, which may reach a great part of the debts, and leave still a part of them to be paid by those States who have paid few or none of their creditors. This being once settled, Congress will probably adjourn, and meet again in December, at Philadelphia. The appearance of war between our two neighbors, Spain and England, would render a longer adjournment inexpedient,

I have the honor to be, with great esteem, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER XXXII

TO WILLIAM SHORT.

New York, July 26, 1790.

DEAR SIR,

My public letters to you have been of the 28th of March, the 6th and 30th of April. Yours, which remain to be acknowledged, are of March the 9th, 17th, 29th, April the 4th, 12th, 23rd, and May the 1st; being from No. 21 to 28, inclusive, except No. 23, which had come to hand before. I will state to you the dates of all your letters received by me, with the times they have been received, and length of their passage.

* * * * * * * * *

You will perceive that they average eleven weeks and a half; that the quickest are of nine weeks, and the longest are of near eighteen weeks coming. Our information through the English papers is of about five or six weeks, and we generally remain as long afterwards in axious suspense, till the receipt of your letters may enable us to decide what articles of those papers have been true. As these come principally by the English packet, I will take the liberty of asking you to write always by that packet, giving a full detail of such events as may be communicated through that channel; and indeed most may. If your letters leave Paris nine or ten days before the sailing of the packet, we shall be able to decide, on the moment, on the facts true or false, with which she comes charged. For communications of a secret nature, you will avail yourself of other conveyances, and you will be enabled to judge which are best, by the preceding statement. News from Europe is very interesting at this moment, when it is so doubtful whether a war will take place between our two neighbors.

Congress have passed an act for establishing the seat of government at Georgetown, from the year 1800, and in the mean time to remove to Philadelphia. It is to that place, therefore, that your future letters had better be addressed. They have still before them the bill for funding the public debts. That has been hitherto delayed by a question, whether the debts contracted by the particular States for general purposes should, at once, be assumed by the General Government. A developement of circumstances, and more mature consideration, seem to have produced some change of opinion on the subject. When it was first proposed, a majority was against it. There is reason to believe, by the complexion of some later votes, that the majority will now be for assuming these debts to a fixed amount. Twenty-one millions of dollars are proposed. As soon as this point is settled, the funding bill will pass, and Congress will adjourn. That adjournment will probably be between the 6th and 13th of August. They expect it sooner. I shall then be enabled to inform you, ultimately, on the subject of the French debt, the negotiations for the payment of which will be referred to the executive, and will not be retarded by them an unnecessary moment. A bill has passed, authorizing the President to raise the salary of a *Chargé des Affaires* to four thousand five hundred dollars, from the first day of July last. I am authorized by him to inform you, that yours will accordingly be at that rate, and that you will be allowed for gazettes, translating or printing papers, where that shall be necessary, postage, couriers, and necessary aids to poor American *sailors*, in addition to the salary, and no charge of any other description, except where you may be directed to incur it expressly. I have thought it would be most agreeable to you to give you percise information, that you may be in no doubt in what manner to state your accounts. Be pleased to settle your account down to the 1st of July last, and state the balance then due, which will be to be paid out of the former fund. From that day downwards, a new account must be opened, because a new fund is appropriated to it, from that time. The expenses for the medals, directed in my letter of April the 30th, must enter into the new account. As I presume the die will be finished by the time you receive this, I have to desire you will have a medal of gold struck for the Marquis de la Luzerne, and have put to it a chain of three hundred and sixty-five links, each link containing gold to the value of two dollars and a half, or thirteen livres and ten sous. The links to be of plain wire, so that their workmanship may cost as it were nothing. The whole will make a present of little more than one thousand dollars, including the medal and chain. As soon as done, be pleased to forward them by a safe hand to the Marquis de la Luzerne, in the name of the President of the United States, informing him that it is the one spoken of in my letter to him of April the 30th, 1790. Say nothing to any body of the value of the present, because that will not always be the same, in all cases. Be so good as to have a second medal of gold struck in the same die, and to send this second, together with the dies, to Philadelphia, by the first safe person who shall be passing; no chain to be sent with this.

We are impatient to learn the progress and prospect of the Algerine business. Do not let it languish a moment, nor leave us a moment uninformed of any thing relative to it. It is in truth a tender business, and more felt as such in this, than in any other country. The suppression of the Farms of tobacco, and the free importation of our salted provisions, will merit all your attention. They are both of them objects of first rate importance.

The following appointments of Consuls have taken place.

* * * * * * * * *

Their jurisdictions, in general, extend to all places within the same allegiance, which are nearer to them than to the residence of any other Consul or Vice-Consul. As yet, only their commissions have been made out. General instructions await the passage of a bill now depending. Mr. La Forest, at this place, remarked our appointment of Consuls in the French islands. In the first project of a convention proposed on the part of France, the expressions reached expressly to the kingdom of France only. I objected to this in writing, as being narrower than the twenty-ninth article of the treaty of amity, which was the basis of the consular convention, and which had granted the appointment of Consuls and Vice-Consuls, in their respective 'States and ports,' generally, and without restriction. On this, the word 'France' was struck out, and the 'dominions of the M. C. K.' inserted every where. See the fifth, ninth, twelfth, thirteenth, and fifteenth articles particularly, of the copy of the draughts of 1784 and 1788, as I had them printed side by side. The object of this alteration was, the appointment of Consuls in the free ports allowed us in the French West Indies, where our commerce has greater need of protection than any where. I mention these things, that you may be prepared, should any thing be said to you on the subject. I am persuaded the appointment will contribute eminently to the preservation of harmony between us. These Consuls will be able to prevent the misunderstandings which arise frequently now between the officers there and our traders, and which are doubtless much exaggerated and misrepresented to us by the latter.

I duly received the copy you were so kind as to send me of the Bishop of Autun's proposition, on the subject of weights and measures. It happened to arrive in the moment I was about giving in to Congress a report on the same subject, which they had referred to me. In consequence of the Bishop of Autun's proposition, I made an alteration in my report, substituting forty-five degrees instead of thirty-eight degrees, which I had at first proposed as a standard latitude. I send you a copy of my report for the Bishop, and another for M. Condorcet, Secretary of the Academy of Sciences. By taking the second pendulum or rod of the same latitude for the basis of our measures, it will at least furnish a common measure to which both our systems will refer, provided our experiments on the pendulum or rod of forty-five degrees should yield exactly the same result with theirs.

The newspapers, as usual, will accompany the present, which is to go by Mr. Barrett.

I have the honor to be, with great esteem and attachment, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXXIII.

TO WILLIAM CARMICHAEL.

New York, August 2, 1790.

Dear Sir,

This letter will be delivered to you by Colonel Humphreys, whose character is so well known to you as to need no recommendations from me. The present appearances of war between our two neighbors Spain, and England, cannot but excite all our attention. The part we are to act is uncertain, and will be difficult. The unsettled state of our dispute with Spain may give a turn to it, very different from what we would wish. As it is important that you should be fully apprized of our way of thinking on this subject, I have sketched, in the enclosed paper, general heads of consideration arising from present circumstances. These will be readily developed by your own reflections and in conversations with Colonel Humphreys; who, possessing the sentiments of the executive on this subject, being well acquainted with the circumstances of the western country in particular, and of the state of our affairs in general, comes to Madrid expressly for the purpose of giving you a thorough communication of them. He will, therefore, remain there as many days or weeks, as may be necessary for this purpose. With this information, written and oral, you will be enabled to meet the minister in conversations on the subject of the navigation of the Mississippi, to which we wish you to lead his attention immediately. Impress him thoroughly with the necessity of an early, and even an immediate settlement of this matter, and of a return to the field of negotiation for this purpose: and though it must be done delicately, yet he must be made to understand unequivocally, that a resumption of the negotiation is not desired on our part, unless he can determine, in the first opening of it, to yield the immediate and full enjoyment of that navigation. (I say nothing of the claims of Spain to our territory north of the thirty-first degree, and east of the Mississippi. They never merited the respect of an answer; and you know it has been admitted at Madrid, that they were not to be maintained.) It may be asked, what need of negotiation, if the navigation is to be ceded at all events? You know that the navigation cannot be practised without a port, where the sea and river vessels may meet and exchange loads, and where those employed about them may be safe and unmolested. The right to use a thing, comprehends a right to the means necessary to its use, and without which it would be useless. The fixing on a proper port, and the degree of freedom it is to enjoy in its operations, will require negotiation, and be governed by events. There is danger indeed, that even the unavoidable delay of sending a negotiator here, may render the mission too late for the preservation of peace. It is impossible to answer for the forbearance of our western citizens. We endeavor to quiet them with the expectation of an attainment of their rights by peaceable means. But should they, in a moment of impatience, hazard others, there is no saying how far we may be led: for neither themselves nor their rights will ever be abandoned by us.

You will be pleased to observe, that we press these matters warmly and firmly, under this idea, that the war between Spain and Great Britain will be begun before you receive this; and such a moment must not be lost. But should an accommodation take place, we retain, indeed, the same object and the same resolutions unalterably; but your discretion will suggest, that in that event, they must be pressed more softly, and that patience and persuasion must temper your conferences, till either these may prevail, or some other circumstance turn up, which may enable us to use other means for the attainment of an object, which we are determined, in the end, to obtain at every risk.

I have the honor to be, with great esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXXIV.

TO M. DE PINTO.

New York, August 7, 1790.

SIR,

Under cover of the acquaintance I had the honor of contracting with you, during the negotiations we transacted together in London, I take the liberty of addressing you the present letter. The friendly dispositions you were then pleased to express towards this country, which were sincerely and reciprocally felt on my part towards yours, flatter me with the hope you will assist in maturing a subject for their common good. As yet, we have not the information necessary to present it to you formally, as the minister of her Most Faithful Majesty. I beg, therefore, that this letter may be considered as between two individual friends of their respective countries, preliminary to a formal proposition, and meant to give an acceptable shape to that.

It is unnecessary, with your Excellency, to go through the history of our first experiment in government; the result of which was, a want of such tone in the governing powers, as might effect the good of those committed to their care. The nation, become sensible of this, have changed its organization, made a better distribution of its powers, and given to them more energy and independence. The new government has now, for some time, been under way; and, so far, gives a confidence that it will answer its purposes. Abuses under the old forms have led us to lay the basis of the new in a rigorous economy of the public contributions. This principle will show itself in our diplomatic establishments; and the rather, as at such a distance from Europe, and with such an ocean between us, we hope to meddle little in its quarrels or combinations. Its peace and its commerce are what we shall court; and to cultivate these, we propose to place at the courts of Europe most interesting to us, diplomatic characters of economical grade, and shall be glad to receive like ones in exchange. The important commerce carried on between your country and ours, and the proofs of friendly disposition towards us which her Majesty has manifested, induce us to wish for such an exchange with her, to express our sensibility at the intimations heretofore received of her readiness to meet our wish in this point, and our regret at the delay which has proceeded from the circumstances before touched on. The grade to be exchanged is the present question, and that on which I ask a friendly and informal consultation with you. That of *Chargé des Affaires* is the one we would prefer. It is that we employ at the court of Madrid. But it has been said, that by the etiquette of your court, that grade cannot be received there under a favorable countenance. Something like this existed at the court of Madrid. But his most Catholic Majesty, in consideration of our peculiar circumstances, dispensed with a general rule in our favor and in our particular case; and our *Chargé des Affaires* there enjoys at court the privileges, the respect, and favor due to a friendly nation, to a nation whom distance and difference of circumstances liberate in some degree, from an etiquette, to which it is a stranger at home as well as abroad. The representative of her Majesty here, under whatever name mutual convenience may designate him, shall be received in the plenitude of friendship and favor. May we not ask a reciprocal treatment of ours with you? The nations of Europe have already seen the necessity of distinguishing America from Europe, even in their treaties; and a difference of commerce, of government, of condition and character, must every day evince more and more the impracticability of involving them under common regulations. Nor ought a difference of arrangement with respect to us to excite claims from others, whose circumstances bear no similitude to ours.

I beg leave to submit these considerations to your Excellency's wisdom and goodness. You will see them to be such as could not be offered formally. They must shield themselves under the protection of those sentiments of veneration and esteem, with which your character heretofore inspired me, and which I flattered myself were not merely indifferent to you. Be so good as to honor with a conference hereon, the bearer, Colonel Humphreys (who was known to you in London), a gentleman who has long been of the President's family, and whose worth has acquired so much of our confidence, that whatever shall be arranged with him, on this subject, may be considered as settled. Presuming on a continuance of her Majesty's dispositions, accept this private assurance that a proper person shall be appointed in due form to reside with you, as soon as we shall know the result of your deliberations with Colonel Humphreys, whom I beg leave to present to your notice; adding the homage of those sentiments of respect and attachment, with which I have the honor to be, your Excellency's most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXXV.

TO JOSHUA JOHNSON.

New York, August 7, 1790.

SIR,

The President of the United States, desirous of availing his country of the talents of its best citizens in their respective lines, has thought proper to nominate you consul for the United States, at the port of London. The extent of our commercial and political connections with that country, marks the importance of the trust he confides to you, and the more, as we have no diplomatic character at that court. I shall say more to you in a future letter on the extent of the consular functions, which are, in general, to be confined to the superintendence and patronage of commerce and navigation: but in your position, we must desire somewhat more. Political intelligence from that country is interesting to us in a high degree. We must, therefore, ask you to furnish us with this as far as you shall be able; to send us moreover the gazette of the court, Woodfall's parliamentary paper, Debrett's parliamentary register; and to serve sometimes as a centre for our correspondences with other parts of Europe, by receiving and forwarding letters sent to your care. It is desirable that we be annually informed of the extent to which the British fisheries are carried on within each year, stating the number and tonnage of the vessels, and the number of men employed in the respective fisheries, to wit, the northern and southern whale-fisheries, and the cod-fishery. I have as yet no statement of them for the year 1789, with which, therefore, I will thank you to begin. While the press of seamen continues, our seamen in ports nearer to you than to Liverpool (where Mr. Maury is consul), will need your protection. The liberation of those impressed should be desired of the proper authority, with due firmness, yet always in temperate and respectful terms; in which way, indeed, all applications to government should be made.

The public papers herein desired may come regularly, once a month, by the British packet, and intermediately, by any vessels bound directly either to Philadelphia or New York. All expenses incurred for papers and postages shall be paid at such intervals as you choose, either here, on your order, or by bill on London, whenever you transmit to me an account.

There was a bill brought into the legislature for the establishment of some regulations in the consular offices: but it is postponed to the next session. That bill proposed some particular fees for particular services. They were, however, so small, as to be no object. As there will be little or no legal emolument annexed to the office of consul, it is, of course, not expected that it shall render any expense incumbent on him.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXXVI.

TO WILLIAM SHORT.

New York, August 10, 1790.

Dear Sir,

This letter, with the very confidential papers it encloses, will be delivered to you by Mr. Barrett with his own hands. If there be no war between Spain and England, they need be known to yourself alone. But if that war be begun, or whenever it shall begin, we wish you to communicate them to the Marquis de la Fayette, on whose assistance we know we can count in matters which interest both our countries. He and you will consider how far the contents of these papers may be communicated to the Count de Montmorin, and his influence be asked with the court of Madrid. France will be called into the war, as an ally, and not on any pretence of the quarrel being in any degree her own. She may reasonably require, then, that Spain should do every thing which depends on her, to lessen the number of her enemies. She cannot doubt that we shall be of that number, if she does not yield our right to the common use of the Mississippi, and the means of using and securing it. You will observe, we state in general the necessity, not only of our having a port near the mouth of the river (without which we could make no use of the navigation at all), but of its being so well separated from the territories of Spain and her jurisdiction, as not to engender daily disputes and broils between us. It is certain, that if Spain were to retain any jurisdiction over our *entrepôt*, her officers would abuse that jurisdiction, and our people would abuse their privileges in it. Both parties must foresee this, and that it will end in war. Hence the necessity of a well defined separation. Nature has decided what shall be the geography of that in the end, whatever it might be in the beginning, by cutting off from the adjacent countries of Florida and Louisiana, and enclosing between two of its channels, a long and narrow slip of land, called the Island of New Orleans. The idea of ceding this could not be hazarded to Spain, in the first step: it would be too disagreeable at first view; because this island, with its town, constitutes, at present, their principal settlement in that part of their dominions, containing about ten thousand white inhabitants of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. That we have a right to some spot as an *entrepôt* for our commerce, may be at once affirmed. The expediency, too, may be expressed, of so locating it as to cut off the source of future quarrels and wars. A disinterested eye looking on a map, will remark how conveniently this tongue of land is formed for the purpose; the Iberville and Amite channel offering a good boundary and convenient outlet, on the one side, for Florida, and the main channel an equally good boundary and outlet, on the other side, for Louisiana; while the slip of land between is almost entirely morass or sandbank; the whole of it lower than the water of the river, in its highest floods, and only its western margin (which is the highest ground) secured by banks and inhabited. I suppose this idea too much even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge, and get him to recommend to the Spanish court, only in general terms, 'a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain,' leaving the idea to future growth.

I enclose you the copy of a paper distributed by the Spanish commandant on the west side of the Mississippi, which may justify us to M. de Montmorin, for pushing this matter to an immediate conclusion. It cannot be expected we shall give Spain time, to be used by her for dismembering us.

It is proper to apprize you of a circumstance, which may show the expediency of being in some degree on your guard, even in your communications to the court of France. It is believed here, that the Count de Moustier, during his residence with us, conceived a project of again engaging France in a colony upon our continent, and that he directed his views to some of the country on the Mississippi, and obtained and communicated a good deal of matter on the subject to his court. He saw the immediate advantage of selling some yards of French cloths and silks to the inhabitants of New Orleans. But he did not take into account what it would cost France to nurse and protect a colony there, till it should be able to join its neighbors, or to stand by itself; and then what it would cost her to get rid of it. I hardly suspect that the court of France could be seduced by so partial a view of the subject as was presented to them, and I suspect it the less, since the National Assembly has constitutionally excluded conquest from the objects of their government. It may be added too, that the place being ours, their yards of cloth and silk would be as freely sold as if it were theirs.

You will perceive by this letter, and the papers it encloses, what part of the ideas of the Count d'Estain coincide with our views. The answer to him must be a compound of civility and reserve, expressing our thankfulness for his attentions; that we consider them as proofs of the continuance of his friendly dispositions, and that though it might be out of our system to implicate ourselves in trans-Atlantic guarantees, yet other parts of his plans are capable of being improved to the common benefit of the parties. Be so good as to say to him something of this kind, verbally, and so that the matter may be ended as between him and us.

On the whole, in the event of war, it is left to the judgment of the Marquis de la Fayette and yourself, how far you will develope the ideas now communicated, to the Count de Montmorin, and how far you will suffer them to be developed to the Spanish court.

I enclose you a pamphlet by Hutchins for your further information on the subject of the Mississippi; and am, with sentiments of perfect esteem and attachment, Dear Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER XXXVII.

TO COLONEL DAVID HUMPHREYS.

New York, August 11, 1790.

Sir,

The President having thought proper to confide several special matters in Europe to your care, it will be expedient that you take your passage in the first convenient vessel bound to the port of London.

When there, you will be pleased to deliver to Mr. G. Morris and to Mr. Johnson, the letters and papers you will have in charge for them, to communicate to us from thence any interesting public intelligence you may be able to obtain, and then to take as early a passage as possible to Lisbon.

At Lisbon you will deliver the letter with which you are charged for the Chevalier Pinto, putting on it the address proper to his present situation. You know the contents of this letter, and will make it the subject of such conferences with him as may be necessary to obtain our point of establishing there the diplomatic grade, which alone coincides with our system, and of insuring its reception and treatment with the requisite respect. Communicate to us the result of your conferences, and then proceed to Madrid.

There you will deliver the letters and papers which you have in charge for Mr. Carmichael, the contents of all which are known to you. Be so good as to multiply, as much as possible, your conferences with him, in order to possess him fully of the special matters sketched out in those papers, and of the state of our affairs in general.

Your stay there will be as long as its objects may require, only taking care to return to Lisbon by the time you may reasonably expect that our answers to your letters to be written from Lisbon, may reach that place. This cannot be earlier than the first or second week of January. These answers will convey to you the President's further pleasure.

Through the whole of this business, it will be best that you avoid all suspicion of being on any public business. This need be known only to the Chevalier Pinto and Mr. Carmichael. The former need not know of your journey to Madrid, or if it be necessary, he may be made to understand that it is a journey of curiosity, to fill up the interval between writing your letters and receiving the answers. To every other person, it will be best that you appear as a private traveller.

The President of the United States allows you from this date, at the rate of two thousand two hundred and fifty dollars a year, for your services and expenses, and moreover, what you may incur for the postage of letters; until he shall otherwise order.

TH: JEFFERSON.

LETTER XXXVIII.

TO GOUVERNEUR MORRIS.

New York, August 12, 1790.

DEAR SIR,

Your letter of May the 29th to the President of the United States has been duly received. You have placed their proposition of exchanging a minister on proper ground. It must certainly come from them, and come in unequivocal form. With those who respect their own dignity so much, ours must not be counted at nought. On their own proposal, formally, to exchange a minister, we sent them one. They have taken no notice of that, and talk of agreeing to exchange one now, as if the idea were new. Besides, what they are saying to you, they are talking to us through Quebec; but so informally, that they may disavow it when they please. It would only oblige them to make the fortune of the poor Major, whom they would pretend to sacrifice. Through him, they talk of a minister, a treaty of commerce *and alliance.* If the object of the latter be honorable, it is useless; if dishonorable, inadmissible. These tamperings prove, they view a war as very possible; and some symptoms indicate designs against the Spanish possessions adjoining us. The consequences of their acquiring all the country on our frontier, from the St. Croix to the St. Mary's, are too obvious to you, to need developement. You will readily see the dangers which would then environ us. We wish you, therefore, to intimate to them that we cannot be indifferent to enterprises of this kind. That we should contemplate a change of neighbors with extreme uneasiness; and that a due balance on our borders is not less desirable to us, than a balance of power in Europe has always appeared to them. We wish to be neutral, and we will be so, *if they will execute the treaty fairly*, and *attempt no conquests adjoining us*. The first condition is just; the second imposes no hardship on them. They cannot complain that the other dominions of Spain would be so narrow as not to leave them room enough for conquest. If the war takes place, we would really wish to be quieted on these two points, offering in return an honorable neutrality. More than this, they are not to expect. It will be proper that these ideas be conveyed in delicate and friendly terms; but that they be conveyed, if the war takes place: for it is in that case alone, and not till it be begun, that we would wish our dispositions to be known. But in no case, need they think of our accepting any equivalent for the posts.

I have the honor to be, with great respect and esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XXXIX.

TO GOVERNOR HANCOCK.

New York, August 24, 1790.

SIR,

The representatives of the United States have been pleased to refer to me the representation from the General Court of Massachusetts, on the subject of the whale and cod fisheries, which had been transmitted by your Excellency, with an instruction to examine the matter thereof, and report my opinion thereupon to the next session of Congress. To prepare such a report as may convey to them the information necessary to lead to an adequate remedy, it is indispensable that I obtain a statement of the fisheries, comprehending such a period before and since the war, as may show the extent to which they were and are carried on. With such a statement under their view, Congress may be able, by comparing the circumstances which existed when the fisheries flourished, with those which exist at this moment of their decline, to discover the cause of that decline, and provide either a remedy for it, or something which may countervail its effect. This information can be obtained no where but in the State over which your Excellency presides, and under no other auspices so likely to produce it. May I, therefore, take the liberty of soliciting your Excellency to charge with the collecting and furnishing me this information, some person or persons who may be competent to the object. Taking a point of commencement at a proper interval before the year of greatest prosperity, there should be stated in a table, year by year, under different columns as follows:

1. The number of vessels fitted out each year for the cod-fishery. 2. Their tonnage. 3. The number of seamen employed. 4. The quantity of fish taken; (1.) of superior quality; (2.) of inferior. 5. The quantity of each kind exported; (1.) to Europe, and to what countries there; (2.) to other, and what parts of America. 6. The average prices at the markets, (1.) of Europe; (2.) of America. With respect to the whale-fishery, after the three first articles the following should be substituted. 4. Whether to the northern or southern fishery. 5. The quantity of oil taken; (1.) of the spermaceti whale; (2.) of the other kinds. 6. To what market each kind was sent. 7. The average prices of each. As the ports from which the equipments were made could not be stated in the same table conveniently, they might form a separate one. It would be very material that I should receive this information by the first of November, as I might be able to bestow a more undisturbed attention to the subject before than after the meeting of Congress, and it would be better to present it to them at the beginning, than towards the close of the session.

The peculiar degree of interest with which this subject must affect the State of Massachusetts, the impossibility of obtaining necessary information from any other quarter, and the slender means I should have of acquiring it from thence, without the aid of your Excellency, will, I hope, be a sufficient apology for the trouble I take the liberty of giving you: and I am happy in every occasion of repeating assurances of the respect and attachment with which I have the honor to be your Excellency's most obedient and most humble servant,

Th: Jefferson.

LETTER XL.

TO SYLVANUS BOURNE, *Consul at Hispaniola.*

New York, August 25, 1790.

Sir,

I enclose you herein sundry papers containing a representation from Messrs. Updike and Earle of Providence, who complain that their sloop Nancy was seized in the island of Hispaniola, and though without foundation, as her acquittal proved, yet they were subjected to the payment of very heavy expenses. It is to be observed, that in no country does government pay the costs of a defendant in any prosecution, and that often, though the party be acquitted, there may have been colorable cause for the prosecution. However this may have been in the present case, should the parties think proper to endeavor, by their own agent, to obtain a reimbursement from the government or from individuals of Hispaniola, I take the liberty of recommending their cause to your patronage, so far as evidence and law shall be in their favor. If they address the government, you will support their demands on the ground of right and amity; if they institute process against individuals, counterpoise by the patronage and weight of your public character, any weight of character which may be opposed to their obtaining of justice.

I am, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER XLI.

Circular to the Consuls and Vice-Consuls of the United States.

New York, August 26, 1790.

Sir,

I expected ere this, to have been able to send you an act of Congress, prescribing some special duties and regulations for the exercise of the consular offices of the United States: but Congress not having been able to mature the act sufficiently, it lies over to the next session. In the mean while, I beg leave to draw your attention to some matters of information, which it is interesting to receive.

I must beg the favor of you to communicate to me every six months, a report of the vessels of the United States which enter at the ports of your district, specifying the name and burthen of each vessel, of what description she is (to wit, ship, snow, brig, &c.), the names of the master and owners, and number of seamen, the port of the United States from which she cleared, places touched at, her cargo outward and inward, and the owners thereof, the port to which she is bound, and times of arrival and departure; the whole arranged in a table under different columns, and the reports closing on the last days of June and December.

We wish you to use your endeavors that no vessel enter as an American in the ports of your district, which shall not be truly such, and that none be sold under that name, which are not really of the United States.

That you give to me, from time to time, information of all military preparations, and other indications of war which may take place in your ports; and when a war shall appear imminent, that you notify thereof the merchants and vessels of the United States within your district, that they may be duly on their guard; and in general, that you communicate to me such political and commercial intelligence, as you may think interesting to the United States.

The Consuls and Vice-Consuls of the United States are free to wear the uniform of their navy, if they choose to do so. This is a deep-blue coat with red facings, lining, and cuffs, the cuffs slashed and a standing collar; a red waistcoat (laced or not at the election of the wearer) and blue breeches; yellow buttons with a foul anchor, and black cockades and small swords.

Be pleased to observe, that the Vice-Consul of one district is not at all subordinate to the Consul of another. They are equally independent of each other.

The ground of distinction between these two officers is this. Our government thinks, that to whatever there may be either of honor or profit resulting from the consular office, native citizens are first entitled, where such, of proper character, will undertake the duties; but where none such offer, a Vice-Consul is appointed of any other nation. Should a proper native come forward at any future time, he will be named Consul; but this nomination will not revoke the commission of Vice-Consul: it will only suspend his functions during the continuance of the Consul within the limits of his jurisdiction, and on his departure therefrom, it is meant that the vice-consular authority shall revive of course, without the necessity of a re-appointment.

It is understood, that Consuls and Vice-Consuls have authority, of course, to appoint their own agents in the several ports of their district, and that it is with themselves alone those agents are to correspond.

It will be best not fatigue the government in which you reside, or those in authority under it, with applications in unimportant cases. Husband their good dispositions for occasions of some moment, and let all representations to them be couched in the most temperate and friendly terms, never indulging in any case whatever a single expression which may irritate.

I have the honor to be, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XLII.

TO WILLIAM SHORT.

New York, August 26, 1790.

DEAR SIR,

My last letters to you have been of the 26th of July, and 10th instant. Yours of May the 16th, No. 31, has come to hand.

I enclose you sundry papers, by which you will perceive, that the expression in the eleventh article of our treaty of amity and commerce with France, viz. 'that the subjects of the United States shall not be reputed *Aubaines in France*, and consequently shall be exempted from the *Droit d'Aubaine*, or other similar duty, under what name soever,' has been construed so rigorously to the letter, as to consider us as *Aubaines* in the *colonies* of France. Our intercourse with those colonies is so great, that frequent and important losses will accrue to individuals, if this construction be continued. The death of the master or supercargo of a vessel, rendered a more common event by the unhealthiness of the climate, throws all the property which was either his, or under his care, into contest. I presume that the enlightened Assembly now engaged in reforming the remains of feudal abuse among them, will not leave so inhospitable an one as the *Droit d'Aubaine* existing in France, or any of its dominions. If this may be hoped, it will be better that you should not trouble the minister with any application for its abolition in the colonies as to us. This would be erecting into a special favor to us, the extinction of a general abuse, which will, I presume, extinguish of itself. Only be so good as to see, that in abolishing this odious law in France, its abolition in the colonies also be not omitted by mere oversight; but if, contrary to expectations, this fragment of barbarism be suffered to remain, then it will become necessary that you bring forward the enclosed case, and press a liberal and just exposition of our treaty, so as to relieve our citizens from this species of risk and ruin hereafter. Supposing the matter to rest on the eleventh article only, it is inconceivable, that he, who with respect to his personal goods is as a native citizen in the mother country, should be deemed a foreigner in its colonies. Accordingly, you will perceive by the opinions of Doctor Franklin and Doctor Lee, two of our ministers who negotiated and signed the treaty, that they considered that rights stipulated for us *in France*, were meant to exist in all the *dominions of France.*

Considering this question under the second article of the treaty also, we are exempted from the *Droit d'Aubaine* in all the dominions of France: for by that article, no particular favor is to be granted to any other nation which shall not immediately become common to the other party. Now, by the forty-fourth article of the treaty between France and England, which was subsequent to ours, it is stipulated, 'que dans tout ce qui concerne—*les successions des biens mobiliers*—les sujets des deux hautes parties contractantes auront *dans les Etats respectifs* les memes privilèges, libertés et droits, que la nation la plus favorisée.' This gave to the English the general abolition of the *Droit d'Aubaine*, enjoyed by the Hollanders under the first article of their treaty with France of July the 23rd, 1773, which is in these words. 'Les sujets des E. G. des P. U. des Pays-Bas ne seront point assujettis au Droit d'Aubaine dans les Etats de S. M. T. C.' This favor, then, being granted to the English subsequent to our treaty, we become entitled to it of course by the article in question. I have it not in my power at this moment to turn to the treaty between France and Russia, which was also posterior to ours. If by that, the Russians are exempted from the *Droit d'Aubaine*, '*dans les Etats de* S. M. T. C.' it is a ground the more for our claiming the exemption. To these, you will be pleased to add such other considerations of reason, friendship, hospitality, and reciprocity, as will readily occur to yourself.

About two or three weeks ago, a Mr. Campbell called on me, and introduced himself by observing that his situation was an awkward one, that he had come from Denmark with an assurance of being employed here in a public character, that he was actually in service, though unannounced. He repeated conversations which had passed between Count Bernstorff and him, and asked me when a minister would be appointed to that court, or a character sent to negotiate a treaty of commerce: he had not the scrip of a pen to authenticate himself, however informally. I told him our government had not yet had time to settle a plan of foreign arranagments;

that with respect to Denmark particularly, I might safely express to him those sentiments of friendship which our government entertained for that country, and assurances that the King's subjects would always meet with favor and protection here; and in general, I said to him those things which, being true, might be said to any body. You can perhaps learn something of him from the Baron de Blome. If he be an unauthorized man, it would be well it should be known here, as the respect which our citizens might entertain, and the credit they might give to any person supposed to be honored by the King's appointment, might lead them into embarrassment.

You know the situation of the new loan of three millions of florins going on at Amsterdam. About one half of this is destined for an immediate payment to France; but advantage may be gained by judiciously timing the payment. The French colonies will doubtless claim, in their new constitution, a right to receive the necessaries of life from whomever will deliver them cheapest; to wit, grain, flour, live stock, salted fish, and other salted provisions. It would be well that you should confer with their deputies, guardedly, and urge them to this demand, if they need urging. The justice of the National Assembly will probably dispose them to grant it, and the clamors of the Bordeaux merchants may be silenced by the clamors and arms of the colonies. It may cooperate with the influence of the colonies, if favorable dispositions towards us can be excited in the moment of discussing this point. It will therefore be left to you to say, when the payment shall be made, in confidence that you will so time it as to forward this great object: and when you make this payment, you may increase its effect, by adding assurances to the minister, that measures have been taken which will enable us to pay up, within a very short time, all arrears of principal and interest now due; and further, that Congress has fully authorized our government to go on and pay even the balance not yet due, which we mean to do, if that money can be borrowed on reasonable terms; and that favorable arrangements of commerce between us and their colonies, might dispose us to effect that payment with less regard to terms. You will, of course, find excuses for not paying the money which is ready and put under your orders, till you see that the moment has arrived when the emotions it may excite, may give a desisive cast to the demands of the colonies.

The newspapers, as usual, will accompany the present.

I have the honor to be, with great esteem and attachment, Dear Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER XLIII.

TO M. LA FOREST, *Consul of France.*

New York, August 30, 1790.

Sir,

I asked the favor of the Secretary of the Treasury to consider the fourth article of the consular convention, and to let me know whether he should concludet hat Consuls not exercising commerce, were exempt from paying duties on things imported for their own use. I furnished him no explanation whatever, of what had passed on the subject at the time of forming the convention, because I thought it should be decided on the words of the convention, as they are offered to all the world, and that it would only be where these are equivocal, that explanations might be adduced from other circumstances. He considered the naked words of the article, and delivered to me as his opinion, that, according to these, the first paragraph, 'The Consuls and Vice-Consuls, &c. as the natives are,' subjected all their property, in whatever form and under whatever circumstances it existed, to the same duties and taxes to which the property of other individuals is liable, and exempts them only from *taxes on their persons*, as poll-taxes, head-rates for the poor, for town-charges, &c.; and that the second paragraph, 'Those of the said Consuls, &c. or other merchants,' subjected such of them as exercised commerce, even to the same *personal taxes* as other merchants are: that the second paragraph is an abridgment of the first, not an enlargement of it; and that the exemption of those, not merchants, which seemed *implied* in the words of the second paragraph, could not be admitted against the contrary meaning, directly and unequivocally expressed in the first.

Such, Sir, was his opinion, and it is exactly conformable to what the negotiators had in view in forming this article. I have turned to the papers which passed on that occasion, and I find that the first paragraph was proposed in the first project given in by myself, by which the distinction between taxes on their property and taxes on their persons, is clearly enounced, and was agreed to: but as our merchants exercising commerce in France, would have enjoyed a much greater benefit from the personal exemption, than those of France do here, M. de Reyneval, in his first counter-project, inserted the second paragraph, to which I agreed. So that the object was, in the first paragraph, to put Consuls, not being merchants, on the same footing with citizens, not being merchants ; and in the second, to put Consuls, merchants, on the same footing with citzens, merchants.

This, Sir, we suppose to be the sense of the convention, which has become a part of the law of the land, and the law, you know, in this country, is not under the control of the executive, either in its meaning or course. We must reserve, therefore, for more favorable occasions, our dispositions to render the situation of the Consuls of his Majesty as easy as possible, by indulgences, depending more on us ; and of proving the sentiments of esteem and attachment to yourself personally, with which I have the honor to be, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER XLIV.

TO WILLIAM SHORT.

New York, August 31, 1790.

DEAR SIR,

Since writing my letter of the 26th, it has been decided to commit to your care the transaction of very important money matters at Amsterdam. It is thought necessary that you should go there immediately, and remain there about three months, to possess yourself of the ground. The Secretary of the Treasury will detail to you the particulars requisite there.

With respect to our affairs at Paris, we trust, in your absence, to the friendship of the Marquis de la Fayette, for such things as are important enough to merit his attention. Two of the subjects lately given you in charge, are of this description. As to all others, do them by letter or otherwise, as you can. It will be necessary for you, doubtless, sometimes to ask the attention of the Marquis by letter ; and where you think the moment requires essentially your presence, it is understood you will come to Paris express, returning again to Amsterdam as quickly as circumstances will admit. The facilities of travelling, in Europe, admit of this. Should you think it necessary, you may appoint a secretary during your absence, to remain at Paris and communicate with you, allowing him a salary of four thousand livres a year. If you think this not necessary, you of course will not make the appointment.

I am, with sincere and great esteem, Dear Sir, your most obedient, humble servant,

TH : JEFFERSON.

LETTER XLV.

TO GOUVERNEUR MORRIS.

Philadelphia, December 17, 1790.

Since mine to you of August the 12th, yours of July the 3rd, August the 16th, and September the 18th, have come to hand. They suffice to remove all doubts which might have been entertained as to the real intentions of the British cabinet, on the several matters confided to you. The view of government in troubling you with this business, was, either to remove from between the two nations all causes of difference, by a fair and friendly adjustment, if such was the intention of the other party, or to place it beyond a doubt that such was not their intention. In result, it is clear enough that further applications would tend to delay, rather than advance our object. It is therefore the pleasure of the President, that no others be made ; and that in whatever state this letter may find the business, in that state it be left. I have it in charge at the same time to assure you, that your conduct in these communications with the British ministers has met the President's entire approbation, and to convey to you his acknowledgments for your services.

As an attendance on this business must, at times, have interfered with your private pursuits, and subjected you also to additional expenses, I have the honor to enclose you a draft on our bankers in Holland for a thousand dollars, as an indemnificatian for those sacrifices.

My letter of August the 12th desired a certain other communication to be made to the same court, if a war should have actually commenced. If the event has not already called for it, it is considered as inexpedient to be made at all.

You will, of course, have the goodness to inform us of whatever may have passed further, since the date of your last.

In conveying to you this testimony of approbation from the President of the United States, I am happy in an occasion of repeating assurances of the sentiments of perfect esteem and respect, with which I have the honor to be, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER XLVI.

TO JOSHUA JOHNSON.

Philadelphia, December 17, 1790.

Sir,

Though not yet informed of your receipt of my letter, covering your commission as Consul for the United States in the port of London, yet knowing that the ship has arrived by which it went, I take for granted the letter and commission have gone safe to hand, and that you have been called into the frequent exercise of your office for the relief of our seamen, upon whom such multiplied acts of violence have been committed in England, by press-gangs, pretending to take them for British subjects, not only without evidence, but against evidence. By what means may be procured for our seamen, while in British ports, that security for their persons which the laws of hospitality require, and which the British nation will surely not refuse, remains to be settled. In the mean time, there is one of these cases, wherein so wilful and so flagrant a violation has been committed by a British officer, on the person of one of our citizens, as requires that it be laid before his government, in friendly and firm reliance of satisfaction for the injury, and of assurance for the future, that the citizens of the United States, entering the ports of Great Britain, in pursuit of a lawful commerce, shall be protected by the laws of hospitality in usage among nations.

It is represented to the President of the United States, that Hugh Purdie, a native of Williamsburg in Virginia, was, in the month of July last, seized in London by a party of men, calling themselves press-officers, and pretending authority from their government so to do, notwithstanding his declarations and the evidence he offered of his being a native citizen of the United States; and that he was transferred on board the Crescent, a British ship of war, commanded by a Captain Young. Passing over the intermediate violences exercised on him, because not peculiar to his case (so many other American citizens having suffered the same), I proceed to the particular one which distinguishes the present representation. Satisfactory evidence having been produced by Mr. John Brown Cutting, a citizen of the United States, to the Lords of the Admiralty, that Hugh Purdie was a native citizen of the same States, they, in their justice, issued orders to the Lord Howe, their Admiral, for his discharge. In the mean time, the Lord Howe had sailed with the fleet of which the Crescent was.

But, on the 27th of August, he wrote to the board of admiralty, that he had received their orders for the discharge of Hugh Purdie, and had directed it accordingly. Notwithstanding these orders, the receipt of which at sea Captain Young acknowledges, notwithstanding Captain Young's confessed knowledge that Hugh Purdie was a citizen of the United States, from whence it resulted that his being carried on board the Crescent and so long detained there had been an act of wrong, which called for expiatory conduct and attentions, rather than new injuries on his part towards the sufferer, instead of discharging him, according to the orders he had received, on his arrival in port, which was on the 14th of September, he, on the 15th, confined him in irons for several hours, then had him bound and scourged in presence of the ship's crew, under a threat to the executioner, that if he did not do his duty well, he should take the place of the sufferer. At length he discharged him on the 17th, without the means of subsistence for a single day. To establish these facts, I enclose you copies of papers communicated to me by Mr. Cutting, who laid the case of Purdie before the board of admiralty, and who can corroborate them by his personal evidence. He can especially verify the letter of Captain Young, were it necessary to verify a paper, the original of which is under the command of his Majesty's ministers, and this paper is so material, as to supersede of itself all other testimony, confessing the orders to discharge Purdie, that yet he had whipped him, and that it was impossible, without giving up all sense of discipline, to avoid whipping a free American citizen. We have such confidence in the justice of the British government, in their friendly regard to these States, in their respect for the honor and good understanding of the two countries, compromitted by this act of their officer, as not to doubt their due notice of *him*, indemnification to the sufferer, and a friendly assurance to these States that effectual measures shall be adopted in future, to protect the persons of their citizens while in British ports.

By the express command of the President of the United States, you are to lay this case, and our sense of it, before his Britannic Majesty's Minister for Foreign Affairs, to urge it on his particular notice by all the motives which it calls up, and to communicate to me the result.

I have the honor to be, with great esteem, your most obedient, humble servant,

TH: JEFFERSON.

LETTER XLVII.

TO JOSHUA JOHNSON.

Philadelphia, December 23, 1790.

DEAR SIR,

The vexations of our seamen, and their sufferings under the press-gangs of England, have become so serious, as to oblige our government to take serious notice of it. The particular case has been selected where the insult to the United States has been the most barefaced, the most deliberately intentional, and the proof the most complete. The enclosed letter to you is on that subject, and has been written on the supposition that you would show the original to the Duke of Leeds, and give him a copy of it, but as of your own movement, and not as if officially instructed so to do. You will be pleased to follow up this matter as closely as decency will permit, pressing it in firm but respectful terms, on all occasions. We think it essential that Captain Young's case may be an example to others. The enclosed letters are important. Be so good as to have them conveyed by the surest means possible.

I am, with great esteem, Dear Sir, you most obedient and most humble servant,

TH: JEFFERSON.

LETTER XLVIII.

TO CHARLES HELLSTEDT, *Swedish Consul.*

Philadelphia, February 14, 1791.

SIR,

I now return you the papers you were pleased to put into my hands, when you expressed to me your dissatisfaction that our court of admiralty had taken cognizance of a complaint of some Swedish sailors against their captain for cruelty. If there was error in this proceeding, the law allows an appeal from that to the Supreme Court; but the appeal must be made in the forms of the law, which have nothing difficult in them. You were certainly free to conduct the appeal yourself, without employing an advocate, but then you must do it in the usual form. Courts of justice, all over the world, are held by the laws to proceed according to certain forms, which the good of the suitors themselves requires they should not be permitted to depart from.

I have further to observe to you, Sir, that this question lies altogether with the courts of justice; that the constitution of the United States having divided the powers of government into three branches, legislative, executive, and judiciary, and deposited each with a separate body of magistracy, forbidding either to interfere in the department of the other, the executive are not at liberty to intermeddle in the present question. It must be ultimately decided by the Supreme Court. If you think proper to carry it into that, you may be secure of the strictest justice from them. Partialities they are not at liberty to show. But for whatever may come before the executive, relative to your nation, I can assure you of every favor which may depend on their dispositions to cultivate harmony and a good understanding with it.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XLIX.

TO M. DE PINTO.

Philadelphia, February 21, 1791.

SIR,

I have duly received the letter of November the 30th, which your Excellency did me the honor to write, informing me that her Most Faithful Majesty had appointed Mr. Freire her minister resident with us, and stating the difficulty of meeting us in the exchange of a *chargé des affaires*, the grade proposed on our part. It is foreseen that a departure from our system in this instance will materially affect our arrangements with other nations; but the President of the United States has resolved to give her Majesty this proof of his desire to concur in whatever may best tend to promote that harmony and perfect friendship, so interesting to both countries. He has, therefore, appointed Colonel Humphreys to be minister resident for the United States at the court of her Majesty. This gentleman has long been of the President's own family, and enjoys his particular confidence. I make no doubt he will so conduct himself, as to give perfect satisfaction to her Majesty and yourself, and I therefore recommend him to your friendly attention and respect. Mr. Freire will have every title to the same from us, and will assuredly receive it. It is always with pleasure, that I repeat the homage of those sentiments of respect and esteem with which I have the honor to be your Excellency's most obedient and most humble servant,

Th : Jefferson.

LETTER L.

TO WILLIAM SHORT.

Philadelphia, March 8, 1791.

Dear Sir,

A conveyance offering by which we can send large packets, you will receive herewith the following articles.

1. The newspapers.
2. The acts of the second session of Congress.
3. A report on the fisheries of the United States. It is thought that this contains matter which may be usefully communicated. I am persuaded the better this subject is understood in France, the more they will see their interest in favoring our fisheries.
4. A letter from the President to the King, of which an open copy is enclosed for your information.
5. A letter from myself to the Count de Moustier, in answer to his to the President and myself, taking leave.
6. A letter from myself to the President of the National Assembly of France, in answer to his to Congress on the death of Dr. Franklin. Let it be understood, that Congress can only correspond through the executive, whose organ in the case of foreign nations is the Secretary of State. The President of the United States being co-ordinate with Congress, cannot personally be their scribe.
7. Some papers in a case interesting to Dr. M'Henry, of Baltimore. He at first sent them to me, with a desire to commit the subject of them wholly to you. I informed him, we could not consent that you should be used as the agent of private individuals, but that if he would provide an agent on the spot who would undertake the details of solicitation, management, correspondence, &c., I would desire you to patronize the measure so far as you should find it prudent and just. It is put on this footing, as you will see by his answer to me.
8. A correction of the report on weights and measures.

You are desired to have a medal of gold struck from the diplomatic die formerly ordered, and present it with a chain of gold to the Count de Moustier, who is notified that this will be done by you. I formerly informed you, that we proposed to vary the worth of the present, by varying the size of the links of the chain, which are fixed at three hundred and sixty-five in number. Let each link, in the present instance, contain six livres worth of gold, and let it be made of plain wire, so that the value may be in the metal and not at all in the workmanship. I shall hope to receive the dies themselves, when a safe conveyance presents itself.

I am, with great esteem, Dear Sir, your friend and servant,

TH : JEFFERSON.

LETTER LI.

TO THE PRESIDENT OF THE NATIONAL ASSEMBLY OF FRANCE.

Philadelphia, March 8, 1791.

SIR,

I have it in charge from the President of the United States of America, to communicate to the National Assembly of France, the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free representatives of a great nation, in their decree of the 11th of June, 1790.

That the loss of such a citizen should be lamented by us, among whom he lived, whom he so long and eminently served, and who feel their country advanced and honored by his birth, life, and labors, was to be expected. But it remained for the National Assembly of France to set the first example of the representative of one nation, doing homage, by a public act, to the private citizen of another, and by withdrawing arbitrary lines of separation, to reduce into one fraternity the good and the great, wherever they have lived or died.

That these separations may disappear between us in all times and circumstances, and that the union of sentiment which mingles our sorrows on this occasion, may continue long to cement the friendship and the interests of our two nations, is our constant prayer. With no one is it more sincere than with him, who, in being charged with the honor of conveying a public sentiment, is permitted that of expressing the homage of profound respect and veneration, with which he is, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER LII.

TO WILLIAM CARMICHAEL.

Philadelphia, March 12, 1791.

Sir,

I enclose you a statement of the case of Joseph St. Marie, a citizen of the United States of America, whose clerk, Mr. Swimmer, was, in the latter part of the year 1787, seized on the eastern side of the Mississippi, in latitude 34° 40′, together with his goods, of the value of nineteen hundred and eighty dollars, by a party of Spanish soldiers. They justified themselves under the order of a Mr. Vallière, their officer, who avowed authority from the Governor of New Orleans, requiring him to seize and confiscate all property *found on either side of the Mississippi, below the mouth of the Ohio*. The matter being then carried by St. Marie before the Governor of New Orleans, instead of correcting the injury, he avowed the act and its principle, and pretended orders from his court for this and more. We have so much confidence, however, in the moderation and friendship of the court of Madrid, that we are more ready to ascribe this outrage to officers acting at a distance, than to orders from a just sovereign. We have hitherto considered the delivery of the post of the Natches, on the part of Spain, as only awaiting the result of those arrangements which have been under amicable discussion between us; but the remaining in possession of a post which is so near our limit of thirty-one degrees, as to admit some color of doubt whether it be on our side or theirs, is one thing; while it is a very different one, to launch two hundred and fifty miles further, and seize the persons and property of our citizens; and that too, in the very moment that a friendly accommodation of all differences is under discussion. Our respect for their candor and good faith does not permit us to doubt, that proper notice will be taken of the presumption of their officer, who has thus put to hazard the peace of both nations, and we particularly expect that indemnification will be made to the individual injured. On this you are desired to insist in the most friendly terms, but with that earnestness and perseverance which the complexion of this wrong requires. The papers enclosed will explain the reasons of the delay which has intervened. It is but lately they have been put into the hands of our government.

We cannot omit this occasion of urging on the court of Madrid the necessity of hastening a final acknowledgment of our right to navigate the Mississippi; a right which has been long suspended in exercise, with extreme inconvenience on our part, merely with a desire of reconciling Spain to what it is impossible for us to relinquish. An accident at this day, like that now complained of, would put further parley beyond our power; yet to such accidents we are every day exposed by the irregularities of their officers, and the impatience of our citizens. Should any spark kindle these dispositions of our borderers into a flame, we are involved beyond recall by the eternal principles of justice to our citizens, which we will never abandon. In such an event, Spain cannot possibly gain; and what may she not lose?

The boldness of this act of the Governor of New Orleans, and of his avowal of it, renders it essential to us to understand the court of Spain on this subject. You will therefore avail yourself of the earliest occasion of obtaining their sentiments, and of communicating them to us.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LIII.

TO WILLIAM SHORT.

Philadelphia, March 12, 1791.

DEAR SIR,

The enclosed papers will explain to you a case which imminently endangers the peace of the United States with Spain. It is not indeed of recent date, but it has been recently laid before government, and is of so bold a feature, as to render dangerous to our rights a further acquiescence in their suspension. The middle ground held by France between us and Spain, both in friendship and interest, requires that we should communicate with her with the fullest confidence on this occasion. I therefore enclose you a copy of my letter to Mr. Carmichael, and of the papers it refers to, to be communicated to Monsieur de Montmorin, whose efficacious interference with the court of Madrid you are desired to ask. We rely with great confidence on his friendship, justice, and influence.

A cession of the navigation of the Mississippi, with such privileges as to make it useful, and free from future chicane, can be no longer dispensed with on our part: and perhaps while I am writing, something may have already happened to cut off this appeal to friendly accommodation. To what consequences such an event would lead, cannot be calculated. To such, very possibly, as we should lament, without being able to control. Your earnestness with Monsieur de Montmorin, and his with the court of Spain, cannot be more pressing than the present situation and temper of this country requires. The case of St. Marie happens to be the incident presenting itself in the moment, when the general question must otherwise have been brought forward. We rely, on this occasion, on the good offices of the Marquis de la Fayette, whom you are desired to interest in it.

I am, with sincere and great esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER LIV.

TO WILLIAM SHORT.

Philadelphia, March 15, 1791.

DEAR SIR,

In mine of January the 23rd, I acknowledged the receipt of your letters from No. 29 to 48 inclusive, except 31, 44, 45, 46. Since that, I have received Nos. 45 and 50; the former in three months and seven days, the latter in two months and seventeen days, by the English packet, which had an uncommonly long passage. Nos. 31, 44, 46, 47, 48, 49, are still missing. They have probably come through merchant vessels and merchants, who will let them lie on their counters two or three months before they will forward them. I wrote you on the 8th and 12th instant, by a private hand, on particular subjects. I am not certain whether this will be in time to go by the same conveyance. In yours of December the 23rd, you suppose we receive regularly the journals of the National Assembly from your secretary at Paris, but we have never received any thing from him. Nothing has been addressed to him, his name being unknown to us.

It gives great satisfaction, that the *Arrêt du Conseil* of December, 1787, stands a chance of being saved. It is in truth the sheet-anchor of our connection with France, which will be much loosened when that is lost. This *Arrêt* saved, a free importation of salted meats into France, and of provisions of all kinds into her colonies, will bind our interests to that country more than to all the world besides. It has been proposed in Congress to pass a navigation act, which will deeply strike at that of Great Britain. I send you a copy of it. It is probable the same proposition will be made at the next Congress, as a first step, and for one more extensive at a later period. It is thought the first will be carried: the latter will be more doubtful. Would it not be worth while to have the bill now enclosed, translated, printed, and circulated among the members of the National Assembly? If you think so, have it done at the public expense, with any little comment you may think necessary, concealing the quarter from whence it is distributed; or take any other method you think better, to see whether that Assembly will not pass a similar act. I shall send copies of it to Mr. Carmichael, at Madrid, and to Colonel Humphreys, appointed resident at Lisbon, with a desire for them to suggest similar acts there. The measure is just, perfectly innocent as to all other nations, and will effectually defeat the navigation act of Great Britain, and reduce her power on the ocean within safer limits.

The time of the late Congress having expired on the 3rd instant, they then separated of necessity. Much important matter was necessarily laid over; this navigation act among others. The land law was put off, and nothing further done with the mint than to direct workmen to be engaged. The new Congress will meet on the 4th Monday in October. Their laws shall be sent you by the first opportunity after they shall be printed. You will receive herewith those of their second session. We know that Massachusetts has agreed to the amendments to the constitution, except (as is said) the first, second, and twelfth articles. The others, therefore, are now in force. The articles excepted, will depend on the other legislatures. The late expedition against the northern Indians having been ineffectual, more serious operations against them will be undertaken as soon as the season admits. The President is just now setting out on a tour to the southern States, from whence he will not return till June. The British packet being the quickest mode of conveyance, I shall avail myself of that, as well as of the French packet, to write to you. Are the letters which now pass through the French post-offices opened, as they were under the former government? This is important for me to know.

I am, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

P. S. I omitted to draw your attention to an additional duty of one cent per gallon on rum, by name. This was intended as some discrimination between England and France. It would have been higher, but for the fear of affecting the revenues in a contrary direction. T. J.

LETTER LV.

TO WILLIAM CARMICHAEL.

Philadelphia, March 17, 1791.

Sir,

The term of the first Congress having expired on the 3rd instant, they separated on that day, much important business being necessarily postponed. New elections have taken place for the most part, and very few changes made. This is one of many proofs, that the proceedings of the new government have given general satisfaction. Some acts, indeed, have produced local discontents; but these can never be avoided. The new Congress will meet on the 4th Monday of October. Enclosed is the copy of an act reported by a committee to the late Congress, who, not having time to go through the subject, referred it to me, to be examined and reported to the next Congress. This measure, therefore, will be proposed to them as a first and immediate step, and perhaps something further at a more distant day. I have sent copies of this act to Mr. Short and Colonel Humphreys, and I enclose this to you, that you may communicate it to the court of Madrid, as a measure in contemplation with us. How far such an one may be politic to be adopted by Spain, France, and Portugal, is for them to consider. The measure is perfectly innocent as to all nations except those, or rather that, which has a navigation act; and to that it retorts only its own principles. Being founded in universal reciprocity, it is impossible it should excite a single complaint. Its consequences on that nation are such as they cannot avoid; for either they must repeal their navigation act, in order to be let in to a share of foreign carriage, or the shipping they now employ in foreign carriage will be out of employ, and this act frustrated, on which their naval power is built. Consequently, that power will be reduced within safer limits, and the freedom of the ocean be better secured to all the world. The more extensive the adoption of this measure is, the more irresistible will be its effect. We would not wish to be declared the exciters of such a concert of measures, but we have thought it expedient to suggest informally to the courts of France, Spain, and Portugal, the measure we propose to take, and to leave with them to decide, on the motives of their own interest, how far it may be expedient for them to adopt a similar measure. Their concurrence will more completely insure the object of our act, and therefore I leave it to yourself to insinuate it with all the discretion and effect you can.

Your letter of May the 6th, 1789, is still the last we have received, and that is now near two years old. A letter from Colonel Humphreys, written within twenty-four hours after his arrival at Madrid, reached us within two months and ten days after its date. A full explanation of the causes of this suspension of all information from you, is expected in answer to my letter of August the 6th. It will be waited for yet a reasonable time, and in the mean while, a final opinion suspended. By the first vessel to Cadiz, the laws and gazettes shall be forwarded.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER LVI.

TO WILLIAM SHORT.

Philadelphia, March 19, 1791.

DEAR SIR,

Your letter of November the 6th, No. 46, by Mr. Osmont› came to hand yesterday, and I have just time before the departure of Mr. Terrasson, the bearer of my letter of the 15th instant, and despatches accompanying it, to acknowledge the receipt, and inform you that it has been laid before the President. On consideration of the circumstances stated in the second page of your letter, he is of opinion, that it is expedient to press at this moment a settlement of our difference with Spain. You are therefore desired, instead of confining your application for the interference of the court of France to the simple case of St. Marie, mentioned in my letter of the 12th, to ask it on the broad bottom of general necessity, that our right of navigating the Mississippi be at length ceded by the court of Madrid, and be ceded in such form, as to render the exercise of it efficacious and free from chicane. This cannot be without an *entrepôt* in some convenient port of the river, where the river and sea craft may meet and exchange loads, without any control from the laws of the Spanish government. This subject was so fully developed to you in my letter of August the 10th, 1790, that I shall at present only refer to that. We wish you to communicate this matter fully to the Marquis de la Fayette, to ask his influence and assistance, assuring him that a settlement of this matter is become indispensable to us; any further delay exposing our peace, both at home and abroad, to accidents, the results of which are incalculable and must no longer be hazarded. His friendly interposition on this occasion, as well as that of his nation, will be most sensibly felt by us. To his discretion, therefore, and yours, we confide this matter, trusting that you will so conduct it as to obtain our right in an efficacious form, and at the same time, to preserve to us the friendship of France and Spain, the latter of which we value much, and the former infinitely.

Mr. Carmichael is instructed to press this matter at Madrid; yet if the Marquis and yourself think it could be better effected at Paris, with the Count de Nuñez, it is left to you to endeavor to draw it there. Indeed, we believe it would be more likely to be settled there than at Madrid or here. Observe always, that to accept the navigation of the river without an *entrepôt* would be perfectly useless, and that an *entrepôt*, if trammeled, would be a certain instrument for bringing on war instead of preventing it.

I am, with great esteem, Dear Sir, your most obedient humble servant,

TH: JEFFERSON.

LETTER LVII.

TO MR. OTTO.

Philadelphia, March 29, 1791.

SIR,

The note of December the 13th, which you did me the honor to address to me, on the acts of Congress of the 20th of July, 1789, and 1790, fixing the tonnage payable by foreign vessels arriving from a foreign port, *without excepting those of France*, has been submitted to the government of the United States. They consider the conduct of his Most Christian Majesty, in making this the subject of fair discussion and explanation, as a new proof of his justice and friendship, and they have entered on the consideration with all the respect due to whatever comes from his

Majesty or his ministers, and with all the dispositions to find grounds for an union of opinion, which a sincere attachment to your nation and a desire to meet their wishes on every occasion, could inspire. But the fifth article of the treaty of amity and commerce is not seen here exactly in the point of view, in which your note places it.

The third and fourth articles subject the vessels of each nation to pay in the ports of the other, only such duties as are paid by the most favored nation; and give them reciprocally, all the privileges and exemptions in navigation and commerce, which are given by either to the most favored nations. Had the contracting parties stopped here, they would have been free to raise or lower their tonnage, as they should find it expedient; only taking care to keep the other on the footing of the most favored nation.

The question then is, whether the fifth article, cited in the note, is any thing more than an application of the principle comprised in the third and fourth, to a particular object: or whether it is an additional stipulation of something not so comprised.

I. That it is merely an application of a principle comprised in the preceding articles, is declared by the express words of the article, to wit, *dans l'exemption ci-dessus est nommément compris*, &c: '*In the above exemption is particularly comprised* the imposition of one hundred sols per ton, established in France on foreign vessels.' Here then is at once an express declaration, that the exemption from the duty of one hundred sols is *comprised* in the third and fourth articles; that is to say, it was one of the exemptions enjoyed by the most favored nations, and, as such, extended to us by those articles.. If the exemption spoken of in this first member of the fifth article was *comprised* in the third and fourth articles, as is expressly declared, then the reservation by France out of that exemption. (which makes the second member of the same article) *was also comprised:* that is to say, if *the whole* was comprised, *the part* was comprised. And if this reservation of France in the second member, was comprised in the third and fourth articles, then the counter reservation by the United States (which constitutes the third and the last member of the same article) was also comprised. Because it is but a corresponding portion of a similar whole, on our part, which had been comprised by the same terms with theirs.

In short, the whole article relates to a particular duty of one hundred sols, laid by some antecedent law of France on the vessels of foreign nations, relinquished as to the most favored, and consequently as to us. It is not a new and additional stipulation then, but a declared application of the stipulations comprised in the preceding articles to a particular case, by way of greater caution.

The doctrine laid down generally in the third and fourth articles, and exemplified specially in the fifth, amounts to this. 'The vessels of the most favored nation, coming from foreign ports, are exempted from the duty of one hundred sols : therefore, you are exempted from it by the third and fourth articles. The vessels of the most favored nations, coming coastwise, pay that duty : therefore, you are to pay it by the third and fourth articles. We shall not think it unfriendly in you, to lay a like duty on coasters, because it will be no more than we have done ourselves. You are free also to lay that or any other duty on vessels coming from foreign ports, provided they apply to all other nations, even the most favored. We are free to do the same, under the same restriction. Our exempting you from a duty which the most favored nations do not pay, does not exempt you from one which they do pay.'

In this view, it is evident, that the fifth article neither enlarges nor abridges the stipulations of the third and fourth. The effect of the treaty would have been precisely the same, had it been omitted altogether ; consequently, it may be truly said that the reservation by the United States, in this article, is completely useless. And it may be added with equal truth, that the equivalent reservation by France is completely useless, as well as her previous abandonment of the same duty : and in short, the whole article. Each party then remains free to raise or lower its tonnage, provided the change operates on all nations, even the most favored.

Without undertaking to affirm, we may obviously conjecture, that this article has been inserted on the part of the United States, from an over caution to guard, *nommément*, *by name*, against a particular aggrievance, which they thought could never be too well secured against : and that has happened, which generally happens ; doubts have been produced by the too great number of words used to prevent doubt.

II. The court of France, however, understands this article as intended to introduce something to which the preceding articles had not reached, and not merely as an application of them to a particular case. Their opinion seems to be founded on the general rule in the construction of instruments, to leave no words merely useless, for which any rational meaning can be found. They say, that the reservation by the United States of a right to lay a duty equivalent to that of the one hundred sols, reserved by France, would have been completely useless, if they were left free by the preceding articles, to lay a tonnage to any extent whatever; consequently, that the reservation of a part proves a relinquishment of the residue.

If some meaning, and such a one, is to be given to the last member of the article, some meaning, and a similar one, must be given to the corresponding member. If the reservation by the United States of a right to lay an equivalent duty, implies a relinquishment of their right to lay any other, the reservation by France of a right to continue the specified duty, to which it is an equivalent, must imply a relinquishment of the right on her part, to lay or continue any other. Equivalent reservations by both, must imply equivalent restrictions on both. The exact reciprocity stipulated in the preceding articles, and which pervades every part of the treaty, ensures a counter right to each party for every right ceded to the other.

Let it be further considered, that the duty called *tonnage*, in the United States, is in lieu of the duties for anchorage, for the support of buoys, beacons, and light-houses, to guide the mariner into harbor and along the coast, which are provided and supported at the expense of the United States, and for fees to measurers, weighers, guagers, &c., who are paid by the United States; for which articles, among many others (light excepted), duties are paid by us in the ports of France, under their specific names. That government has hitherto thought these duties consistent with the treaty; and consequently, the same duties under a general instead of specific names, with us, must be equally consistent with it: it is not the name, but the thing, which is essential. If we have renounced the right to lay any port duties, they must be understood to have equally renounced that of either laying new or continuing the old. If we ought to refund the port duties received from their vessels since the date of the act of Congress, they should refund the port duties they have received from our vessels since the date of the treaty, for nothing short of this is the reciprocity of the treaty.

If this construction be adopted, then each party has for ever renounced the right of laying any duties on the vessels of the other coming from any foreign port, or more than one hundred sols on those coming coastwise. Could this relinquishment be confined to the two contracting parties alone, its effect would be calculable. But the exemption once conceded by the one nation to the other, becomes immediately the property of all others who are on the footing of the most favored nations. It is true, that those others would be obliged to yield the same compensation, that is to say, to receive our vessels duty free. Whether France and the United States would gain or lose in the exchange of the measure with them, is not easy to say.

Another consequence of this construction will be, that the vessels of the most favored nations, paying no duties, will be on a better footing than those of natives, which pay a moderate duty: consequently, either the duty on these also must be given up, or they will be supplanted by foreign vessels in our own ports.

The resource, then, of duty on vessels, for the purposes either of revenue or regulation, will be for ever lost to both. It is hardly conceivable that either party, looking forward to all these consequences, would see their interest in them. So that on the whole, Sir, we consider the fifth article of the treaty merely as an illustration of the third and fourth articles, by an application of the principles comprised in them to the case stated in that, and that a contrary construction would exceedingly embarrass and injure both the contracting parties. We feel every disposition on our part to make considerable sacrifices, where they would result to the sole benefit of your nation: but where they would excite from other nations corresponding claims, it becomes necessary to proceed with caution. You probably know, Sir, that the general subject of navigation was before our legislature at their last session, and was postponed merely for the want of time to go through it, before the period arrived to which the constitution had limited their existence. It will be resumed at the meeting of the new legislature, and from a knowledge of the sincere attachment of my countrymen to the prosperity of your nation, and to the increase of our intercourse with it, I may safely say for the new legislature, that the encouragement of that intercourse, for the advantage of both parties, will be considered as among the most interesting branches of the general subject submitted to them. From a perfect conviction of the coincidence of our interests, nobody wishes more sincerely to cultivate the habit of mutual good offices and favors, than he who has the honor to be, with sentiments of the greatest respect and esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

Thomas Jefferson presents his respects to the Vice-President of the United States, and has the honor to enclose him the copy of a letter from the President, just now received.

April 8, 1791.

[The annexed is the letter referred to.]

Mount Vernon, April 4, 1791.

GENTLEMEN,

As the public service may require that communications should be made to me, during my absence from the seat of government, by the most direct conveyances, and as, in the event of any very extraordinary occurrence, it will be necessary to know at what time I may be found in any particular place, I have to inform you, that unless the progress of my journey to Savannah is retarded by unforeseen interruptions, it will be regulated (including days of halt) in the following manner. I shall be,

On the 8th of April, at Fredericksburg,
" 11th " Richmond,
" 14th " Petersburg,
" 16th " Halifax,
" 18th " Tarborough,
" 20th " Newbern,
" 24th " Wilmington,
" 29th " Georgetown, South Carolina,
On the 2nd of May, at Charleston, halting five days,
" 11th " Savannah, halting two days.

Thence, leaving the line of the mail, I shall proceed to Augusta, and according to the information which I may receive there, my return, by an upper road, will be regulated. The route of my return is at present uncertain, but in all probability it will be through Columbia, Camden, Charlotte, Salisbury, Salem, Guilford, Hillsborough, Harrisburg, Williamsburg to Taylor's Ferry on the Roanoke, and thence to Fredericksburg by the nearest and best road.

After thus explaining to you, as far as I am able at present, the direction and probable progress of my journey, I have to express my wish, if any serious and important case should arise during my absence (of which the probability is but too strong), that the Secretaries for the departments of State, Treasury, and War, may hold consultations thereon, to determine whether they are of such a nature as to require my personal attendance at the seat of government, and if they should be so considered, I will return immediately from any place at which the information may reach me; or should they determine that measures relevant to the case may be legally and properly pursued, without the immediate agency of the President, I will approve and ratify the measures which may be conformed to such determination.

Presuming that the Vice-President will have left the seat of government for Boston, I have not requested his opinion to be taken on the supposed emergency. Should it be otherwise, I wish him also to be consulted.

I am, Gentlemen, your most obedient servant,

G. Washington.

Thomas Jefferson,
Alexander Hamilton, and
Henry Knox,
} Esquires, Secretaries of the United States for the departments of State, Treasury, and War.

LETTER LVIII.

TO COLONEL HUMPHREYS.

Philadelphia, April 11, 1791.

Dear Sir,

I wrote you March the 15th, with postscripts of the 18th and 19th. Since that, yours of January the 3rd, No. 10, January the 15th, No. 11, from Madrid, February the 6th, No. 12, and February the 12th, No. 13, from Lisbon, have been received. They covered a letter from Mr. Carmichael, the only one we have from him of later date than May, 1789. You know that my letter to him, of which you were the bearer, took notice of the intermission of his correspondence, and the one enclosed to him in my letter to you of March the 15th, being written when this intermission was felt still stronger, as having continued so much longer, conveyed stronger marks of dissatisfaction. Though his letter, now received, convinces us he has been active in procuring intelligence, yet it does not appear that he has been equally assiduous in procuring means of conveyance, which was the more incumbent on him, in proportion as the government was more jealous and watchful. Still, however, I wish him to receive the letter now enclosed for him, herein, as it softens what had been harder said, and shows a disposition rather to look forward than backward. I hope you will receive it in time to forward with the other. It contains important matter, pressing on him, as I wish to do on you and have done on Mr. Short, to engage your respective courts in a co-operation in our navigation act. Procure us all the information possible, as to the strength, riches, resources, lights, and dispositions of Brazil. The jealousy of the court of Lisbon on this subject, will, of course, inspire you with due caution in making and communicating these inquiries.

The acts of the three sessions of Congress, and Fenno's papers from April, 1790, were sent you with my last. You will now receive the continuation of Fenno's paper. I send for Mr. Carmichael, also, laws and newspapers, in hopes you may find some means of conveying them to him. I must sometimes avail myself of your channel to write to him, till we shall have a Consul at Cadiz.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient, humble servant,

TH: JEFFERSON.

LETTER LIX.

TO WILLIAM CARMICHAEL.

Philadelphia, April 11, 1791.

SIR,

I wrote you on the 12th of March, and again on the 17th of the same month; since which, I have received your favor of January the 24th, wherein you refer to copies of two letters, also to a paper, No. 1, supposed to be enclosed in that letter; but there was nothing enclosed. You speak particularly of several other letters formerly forwarded, but not a single one was ever received of later date than May the 6th, 1789; and this of January the 24th is all we possess from you since that date. I enclose you a list of letters addressed to you on various subjects, and to which answers were, and are, naturally expected; and send you again copies of the papers in the case of the Dover Cutter, which has been the subject of so many of those letters, and is the subject of the constant solicitation of the parties here. A final decision on that application, therefore, is earnestly desired. When you consider the repeated references of matters to you from hence, and the total suppression of whatever you have written in answer, you will not be surprised if it had excited a great degree of uneasiness. We had inquired whether private conveyances did not occur, from time to time, from Madrid to Cadiz, where we have vessels almost constantly, and we were assured that such conveyances were frequent. On the whole, Sir, you will be sensible, that under the jealous government with which you reside, the conveyance of intelligence requires as much management as the obtaining it; and I am in hopes, that in future you will be on your guard against those infidelities in that line, under which you and we have so much suffered.

The President is absent on a journey through the southern States, from which he will not return till the end of June; consequently, I could not sooner notify him of your desire to return; but even then, I will take the liberty of saying nothing to him on the subject till I hear further from you. The suppression of your correspondence has, in a considerable degree, withdrawn you from the public sight. I sincerely wish that before your return, you could do something to attract their attention and favor, and render your return pleasing to yourself and profitable to them, by introducing you to new proofs of their confidence. My two last letters to you furnish occasions; that of a co-operation against the British navigation act, and the arrangement of our affairs on the Mississippi. The former, if it can be effected, will form a remarkable and memorable epoch in the history and freedom of the ocean. Mr. Short will press it at Paris, and Colonel Humphreys at Lisbon. The latter will show most at first; and as to it, be so good as to observe always, that the right of navigating the Mississippi is considered as so palpable, that the recovery of it will produce no other sensation than that of a gross injustice removed. The extent and freedom of the port for facilitating the use of it, is what will excite the attention and gratification of the public. Colonel Humphreys writes me, that all Mr. Gardoqui's communications, while here, tended to impress the court of Madrid with the idea, that the navigation of the Mississippi was only demanded on our part, to quiet our western settlers, and that it was not sincerely desired by the maritime States. This is a most fatal error, and must be completely eradicated and speedily, or Mr. Gardoqui will prove to have been a bad peace-maker. It is true, there were characters, whose stations entitled them to credit, and who, from geographical prejudices, did not themselves wish the navigation of the Mississippi to be restored to us, and who believe, perhaps, as is common with mankind, that their opinion was the general opinion. But the sentiments of the great mass of the union were decidedly otherwise then, and the very persons to whom Mr. Gardoqui alluded, have now come over to the opinion heartily, that the navigation of the Mississippi, in full and unrestrained freedom, is indispensably necessary, and must be obtained by any means it may call for. It will be most unfortunate, indeed, if we cannot convince Spain that we make this demand in earnest, but by acts which will render that conviction too late to prevent evil.

Not knowing how better to convey to you the laws and the gazettes, than by committing them to the patronage of Colonel Humphreys, I now send through that channel the laws of the second and third sessions of Congress, and the newspapers.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER LX.

TO WILLIAM SHORT.

Philadelphia, April 25, 1791.

Dear Sir,

My late letters to you have been of the 8th, 12th, 15th, and 19th of March; yours received and acknowledged, are as follows.

* * * * * *

I consider the consular convention as securing clearly our right to appoint Consuls in the French colonies. The words 'Etats du roi' unquestionably extend to all his dominions. If they had been merely synonymous with 'la France,' why was the alteration made? When I proposed that alteration, I explained my reasons, and it cannot be supposed I would offer a change of language, but for some matter of substance. Again, in the translation, it is 'dominions of France.' This translation was submitted to M. de Montmorin and M. de Reyneval, with a request that they would note any deviation in it from the original, or otherwise it would be considered as faithful. No part was objected to. M. de Reyneval says, we must decide by the instrument itself, and not by the explanations which took place. It is a rule, where expressions are susceptible of two meanings, to recur to other explanations. Good faith is in favor of this recurrence. However, in the present case, the expression does not admit of two constructions; it is co-extensive with the dominions of the King. I insist on this, only as a reservation of our right, and not with a view to exercise it, if it shall be inconvenient or disagreeable to the government of France. Only two appointments have as yet been made (Mr. Skipwith at Martinique and Guadaloupe, and Mr. Bourne in St. Dominique), and they shall be instructed not to ask a regular Exequatur. We certainly wish to press nothing on our friends, which shall be inconvenient. I shall hope that M. de Montmorin will order such attentions to be shown to those gentlemen as the patronage of commerce may call for, and may not be inconvenient to the government. These gentlemen are most pointedly instructed not to intermeddle, by word or deed, with political matters.

My letter of August, 1790, to Mr. Carmichael, was delivered to him by Colonel Humphreys.

The report you mention of the prospect of our captives at Algiers being liberated, has not taken its rise from any authoritative source. Unfortunately for us, there have been so many persons, who (from friendly or charitable motives, or to recommend themselves) have busied themselves about this redemption, as to excite great expectations in the captors, and render our countrymen in fact irredeemable. We have not a single operation on foot for that purpose, but what you know of, and the more all voluntary interpositions are discouraged, the better for our unhappy friends whom they are meant to serve.

You know how strongly we desire to pay off our whole debt to France, and that for this purpose, we will use our credit as far as it will hold good. You know, also, what may be the probability of our being able to borrow the whole sum. Under these dispositions and prospects, it would grieve us extremely to see our debt pass into the hands of speculators, and be subjected ourselves to the chicaneries and vexations of private avarice. We desire you, therefore, to dissuade the government, as far as you can prudently, from listening from any overtures of that kind, and as to the speculators themselves, whether native or foreign, to inform them, without reserve, that our government condemns their projects, and reserves to itself the right of paying nowhere but into the treasury of France, according to their contract.

I enclose you a copy of Mr. Grand's note to me, stating the conditions on which Drost would come, and also a letter from the Secretary of the Treasury, expressing his ideas as to those terms, with which I agree. We leave to your agency the engaging and sending Mr. Drost as soon as possible, and to your discretion to fix the terms, rendering the allowance for expenses certain, which his first proposition leaves uncertain. Subsistence here costs about one third of what it does in Paris, to a housekeeper. In a lodging house, the highest price for a room and board is a dollar a day, for the master, and half that for the servant. These facts may enable you to settle the article of expenses reasonably. If Mr. Drost undertakes assaying, I should much rather confide it to him, than to any other person who can be sent. It is the most confidential operation in the whole business of coining. We should expect him to instruct a native in it. I think, too, he should be obliged to continue longer than a year, if it should be necessary for qualifying others to continue his operations. It is not important that he be here till November or December, but extremely desirable then. He may come as much sooner as he pleases.

We address to M. la Motte a small box for you, containing a complete set of the journals of the ancient Congress, the acts of the last session of the federal legislature, and a continuation of the newspapers.

I am, with great and sincere esteem, Dear Sir, your affectionate friend and humble servant,

Th: Jefferson.

LETTER LXI.

TO MR. OTTO.

Philadelphia, May 7, 1791.

Sir,

I have now the honor to return you the propositions of Messrs. Schweizer, Jeanneret, and Company, which have been submitted to the Secretary of the Treasury. He does not think they can be acceded to on the part of the United States. The greater premium demanded than what we now pay, the change of the place of payment, the change of the bankers whom we have always employed, for others unknown to us, the danger of risking our credit by putting such a mass of our paper into new hands, will, I dare say, appear to you, Sir, substantial reasons for declining this measure; and the more so, as the new instructions given to Mr. Short, are to raise money as fast as our credit will admit: and we have no reason to suppose it cannot be as soon done by our ancient bankers as by others. Our desire to pay our whole debt, principal and interest, to France, is as strong as hers can be to receive it, and we believe, that by the arrangements already taken it will be as soon done for her, and more safely and advantageously for us than by a change of them. We beg you to be assured, that no exertions are sparing on our part to accomplish this desirable object, as it will be peculiarly gratifying to us, that monies advanced to us in critical times, should be reimbursed to France in times equally critical to her.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER LXII.

TO THE ATTORNEY OF THE DISTRICT OF KENTUCKY.

Philadelphia, May 7, 1791.

SIR,

A certain James O'Fallon is, as we are informed, undertaking to raise, organize, and commission an army, of his own authority, and independent of that of the government, the object of which is, to go and possess themselves of lands which have never yet been granted by any authority, which the government admits to be legal, and with an avowed design to hold them by force against any power, foreign or domestic. As this will inevitably commit our whole nation in war with the Indian nations, and perhaps others, it cannot be permitted that all the inhabitants of the United States shall be involved in the calamities of war, and the blood of thousands of them be poured out, merely that a few adventurers may possess themselves of lands : nor can a well-ordered government tolerate such an assumption of its sovereignty by unauthorized individuals. I send you herein the Attorney General's opinion of what may legally be done, with a desire that you proceed against the said O'Fallon according to law. It is not the wish, to extend the prosecution to other individuals, who may have given thoughtlessly in to his unlawful proceeding. I enclose you a proclamation to this effect. But they may be assured, that if this undertaking be prosecuted, the whole force of the United States will be displayed to punish the transgression. I enclose you one of O'Fallon's commissions, signed, as is said, by himself.

I have the honor to be, with great esteem, Sir, your most obedient, humble servant,

TH : JEFFERSON.

LETTER LXIII.

TO THOMAS BARCLAY.

Philadelphia, May 13, 1791.

Sir,

You are appointed by the President of the United States, to go to the court of Morocco for the purpose of obtaining from the new Emperor, a recognition of our treaty with his father. As it is thought best that you should go in some definite character, that of Consul has been adopted, and you consequently receive a commission as Consul for the United States, in the dominions of the Emper of Morocco, which, having been issued during the recess of the Senate, will of course expire at the end of their next session. It has been thought best, however, not to insert this limitation in the commission, as being unnecessary; and it might, perhaps, embarrass. Before the end of the next session of the Senate, it is expected the objects of your mission will be accomplished.

Lisbon being the most convenient port of correspondence between us and Morocco, sufficient authority will be given to Colonel Humphreys, resident of the United States at that place, over funds in Amsterdam, for the objects of your mission. On him, therefore, you will draw for the sums herein allowed, or such parts of them as shall be necessary. To that port, too, you had better proceed in the first vessel which shall be going there, as it is expected you will get a ready passage from thence to Morocco.

On your arrival at Morocco, sound your ground, and know how things stand at present. Your former voyage there, having put you in possession of the characters through whom this may be done, who may best be used for approaching the Emperor and effecting your purpose, you are left to use your own knowledge to the best advantage.

The object being merely to obtain an acknowledgment of the treaty, we rely that you will be able to do this, giving very moderate presents. As the amount of these will be drawn into precedent on future similar repetitions of them, it becomes important. Our distance, our seclusion from the ancient world, its politics, and usages, our agricultural occupations and habits, our poverty, and lastly, our determination to prefer war in all cases to tribute under any form, and to any people whatever, will furnish you with topics for opposing and refusing high or dishonoring pretensions; to which may be added, the advantages their people will derive from our commerce, and their sovereign, from the duties laid on whatever we extract from that country.

Keep us regularly informed of your proceedings and progress, by writing by every possible occasion, detailing to us particularly your conferences, either private or public, and the persons with whom they are held.

We think that Francisco Chiappe has merited well of the United States, by his care of their peace and interests. He has sent an account of disbursements for us, amounting to three hundred and ninety-four dollars. Do not recognise the account, because we are unwilling, by doing that, to give him a color for presenting larger ones hereafter, for expenses which it is impossible for us to scrutinize or control. Let him understand, that our laws oppose the application of public money so informally; but in your presents, treat *him* handsomely, so as not only to cover this demand, but go beyond it with a liberality which may fix him deeply in our interests. The place he holds near the Emperor, renders his friendship peculiarly important. Let us have nothing further to do with his brothers, or any other person. The money, which would make one good friend, divided among several, will produce no attachment.

The Emperor has intimated that he expects an ambassador from us. Let him understand, that this may be a custom of the old world, but it is not ours; that we never sent an ambassador to any nation.

You are to be allowed, from the day of your departure till your return, one hundred and sixty-six dollars and sixty-six cents and two thirds, a month, for your time and expenses, adding thereto your passage money and sea-stores going and coming.

Remain in your post till the first of April next, and as much longer as shall be necessary to accomplish the objects of your mission, unless you should receive instructions from hence to the contrary.

With your commission, you will receive a letter to the Emperor of Morocco, a cipher, and a letter to Colonel Humphreys.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

A private Instruction which Mr. Barclay is to carry in his memory and not on paper, lest it should come into improper hands.

We rely that you will obtain the friendship of the new Emperor, and his assurances that the treaty shall be faithfully observed, with as little expense as possible. But the sum of ten thousand dollars is fixed as the limit which all your donations together are not to exceed.

May 13, 1791.

[Letter from the President to the Emperor of Morocco, referred to in the letter to Mr Barclay.]

GREAT AND MAGNANIMOUS FRIEND,

Separated by an immense ocean from the more ancient nations of the earth, and little connected with their politics or proceedings, we are late in learning the events which take place among them, and later in conveying to them our sentiments thereon.

The death of the late Emperor, your father and our friend, of glorious memory, is one of those events which, though distant, attracts our notice and concern. Receive, great and good friend, my sincere sympathy with you on that loss; and permit me, at the same time, to express the satisfaction with which I learn the accession of so worthy a successor to the imperial throne of Morocco, and to offer you the homage of my sincere congratulations. May the days of your Majesty's life be many and glorious, and may they ever mark the era during which a great people shall have been most prosperous and happy, under the best and happiest of sovereigns.

The late Emperor, very soon after the establishment of our infant nation, manifested his royal regard and amity to us by many friendly and generous acts, and particularly by the protection of our citizens in their commerce with his subjects. And as a further instance of his desire to promote our prosperity and intercourse with his realms, he entered into a treaty of amity and commerce with us, for himself and his successors, to continue fifty years. The justice and magnanimity of your Majesty, leave us full confidence that the treaty will meet your royal patronage also; and it will give me great satisfaction to be assured, that the citizens of the United States of America may expect from your imperial Majesty the same protection and kindness, which the example of your illustrious father has taught them to expect from those who occupy the throne of Morocco, and to have your royal word, that they may count on a due observance of the treaty which cements the two nations in friendship.

This will be delivered to your Majesty by our faithful citizen, Thomas Barclay, whom I name Consul for these United States in the dominions of your Majesty, and who, to the integrity and knowledge qualifying him for that office, unites the peculiar advantage of having been the agent, through whom our treaty with the late Emperor was received. I pray your Majesty to protect him in the exercise of his functions for the patronage of the commerce between our two countries, and of those who carry it on.

May that God, whom we both adore, bless your imperial Majesty with long life, health, and success, and have you always, great and magnanimous friend, under his holy keeping.

Written at Philadelphia, the thirty-first day of March, in the fifteenth year of our sovereignty and independence, from your good and faithful friend, GEORGE WASHINGTON.

By the President.

TH: JEFFERSON.

LETTER LXIV.

TO FULWAR SKIPWITH.

Philadelphia, May 13, 1791.

SIR,

You will readily conceive, that the union of domestic with the foreign affairs under the department of State, brings on the head of this department such incessant calls, not admitting delay, as oblige him to postpone whatever will bear postponing: hence, though it is important that I should continue to receive, from time to time, regular information from you of whatever occurs within your notice, interesting to the United States, yet it is not in my power to acknowledge the receipt of your letters, regularly as they come. I mention this circumstance, that you may ascribe the delay of acknowledgment to the real cause, and that it may not produce any relaxation on your part in making all those communications which it is important should be received, and which govern our proceedings, though it is not in my power to note it to you specially.

I had hoped that Congress, at their last session, would have passed a bill for regulating the functions of Consuls. Such an one was laid before them, but there being a considerable difference of opinion as to some of its parts, it was finally lost by the shortness of the session, which the constitution had limited to the 3rd of March. It will be taken up again at the ensuing session of October next: in the mean time, you will be pleased to govern yourself by the instructions already given.

In general, our affairs are proceeding in a train of unparalleled prosperity. This arises from the real improvements of our government; from the unbounded confidence reposed in it by the people, their zeal to support it, and their conviction that a solid union is the best rock of their safety; from the favorable seasons which, for some years past, have co-operated with a fertile soil and genial climate to increase the productions of agriculture; and from the growth of industry, economy, and domestic manufactures. So that I believe I may say, with truth, that there is not a nation under the sun enjoying more present prosperity, nor with more in prospect.

The Indians on our frontier, indeed, still continue to cut off straggling individuals or families falling in their way. An expedition against them the last summer was less successful than there was reason to expect; we lost in it about one hundred men. The operations of the present summer will more probably bring them to peace, which is all we desire of them, it having been a leading object of our present government to guaranty them in their present possessions, and to protect their persons with the same fidelity which is extended to its own citizens. We ask nothing of them but that they will accept our peace, friendship, and services; and we hope soon to make them sensible of this, in spite of the incitements against us, which they have been so much the dupes of. This is the general state of our affairs at present, as faithfully as I am able to give it.

Your favors of August the 30th, September the 18th, October the 10th, and February the 10th, have been duly received. Particular reasons render it improper to press a formal acknowledgment of our Consuls in the French colonies: for this purpose we must wait till circumstances shall render it less inconvenient to their government. In the mean time, as to every thing essential, the same attention will be paid to yourself, your representations, and applications, as if you were formally acknowledged. I am to recommend to you, in the strongest terms, not to intermeddle in the least, by word or deed, in the internal disputes of the colony, or those with the mother country: consider this as a family affair, with which we have neither the right nor the wish to intermeddle. We shall expect, however, narratives of them from time to time.

I have the honor to be, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER LXV.

TO WILLIAM CARMICHAEL.

Philadelphia, May 16, 1791.

Sir,

Mr. Swanwick informs me, that the house of Morris, Willing, and Swanwick have suffered a very considerable loss in the port of St. Andero, by an abuse of office, in having a cargo of corn thrown overboard, as being bad, when it was in fact perfectly good. I know that in some countries of Europe it is often difficult to obtain justice against persons protected by court favor. In this, as in all other instances where our citizens shall have occasion to seek justice in the country of your residence, I would wish you to interfere just so far, as by the influence of your character to counterbalance the undue protection of their opponents, so as that equal and impartial justice may be done them.

The regulation by which they suffer, in the present instance, is, in its nature, extremely susceptible of abuse, and prevails, as I am told, only in the ports of the Bay of Biscay. The patronage of our commerce being the chief object of our diplomatic establishments abroad, you would render that an essential service could you obtain a repeal of this regulation, or an impartial exercise of it, if the repeal cannot be obtained; and in any event a permission to re-export a cargo of grain condemned.

I have the honor to be, with great esteem and respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER LXVI.

TO COLONEL HUMPHREYS.

Philadelphia, July 13, 1791.

Sir,

Mr. Barclay having been detained longer than was expected, you will receive this as well as my letter of May the 13th, from him. Since the date of that, I have received your No. 15, March the 31st, No. 16, April the 8th, No. 17, April the 30th, No. 18, May the 3rd, and No. 20, May the 21st.

You are not unacquainted with the situation of our captives at Algiers. Measures were taken, and were long depending, for their redemption. During the time of their dependence, we thought it would forward our success to take no notice of the captives. They were maintained by the Spanish Consul, from whom applications for reimbursement, through Mr. Carmichael, often came: no answer of any kind was ever given. A certainty now, that our measures for their redemption will not succeed, renders it unnecessary for us to be so reserved on the subject, and to continue to wear the appearance of neglecting them. Though the government might have agreed to ransom at the lowest price admitted with any nation (as, for instance, that of the French order of *Merci*), they will not give any thing like the price which has been lately declared to be the lowest by the captors. It remains, then, for us to see what other means are practicable for their recovery. In the mean time, it is our desire that the disbursements hitherto made for their subsistence, by the Spanish Consul or others, be paid off, and that their future comfortable subsistence be provided for. As to past disbursements, I must beg the favor of you to write to Mr. Carmichael, that you are authorized to pay them off, pray him to let you know their amount, and to whom payments are due. With respect to future provision for the captives, I must put it into your hands. The impossibility of getting letters to or from Mr. Carmichael, renders it improper for us to use that channel. As to the footing on which they are to be subsisted, the ration and clothing of a soldier would have been a good measure, were it possible to apply it to articles of food and clothing so extremely different as those used at Algiers. The allowance heretofore made them by the Spanish Consul might perhaps furnish a better rule, as we have it from themselves, that they were then comfortably subsisted. Should you be led to correspond with them at all, it had better be with Captain O'Bryan, who is a sensible man, and whose conduct since he has been there, has been particularly meritorious. It will be better for you to avoid saying any thing which may either increase or lessen their hopes of ransom. I write to our bankers, to answer your drafts for these purposes, and enclose you a duplicate to be forwarded with your first draft. The prisoners are fourteen in number: their names and qualities as follows; Richard O'Bryan and Isaac Stephens, captains; Andrew Montgomery and Alexander Forsyth, mates; Jacob Tessanier, a French passenger; William Patterson, Philip Sloan, Peleg Lorin, John Robertson, James Hall, James Cathcart, George Smith, John Gregory, James Hermel, seamen. They have been twenty-one or twenty-two.

We are in hourly expectation of hearing the event of General Scott's irruption into the Indian country, at the head of between seven and eight hundred mounted infantry. Perhaps it may yet be known in time to communicate to you by this opportunity. Our bank was filled with subscriptions the moment it was opened. Eight millions of dollars were the whole permitted to be subscribed, of which two millions were deposited in cash, the residue to be public paper. Every other symptom is equally favorable to our credit.

The President has returned from his southern tour in good health. You will receive herewith the newspapers up to the present date.

I have the honor to be, with great esteem Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER LXVII.

TO M. VAN BERKEL.

Philadelphia, July 14, 1791.

SIR,

I take the liberty of troubling you with the perusal of the enclosed papers from Mr. Shaw, Consul for the United States in the East Indies; wherein you will observe, he complains of a prohibition from the government of Batavia, to *American* ships, *by name*, to have any trade in that port, while such trade was permitted to other nations. I do not hesitate to presume, that something has been misunderstood in this case. My presumption is founded on those sentiments of general amity which subsist between our government and that of the United Netherlands, and also on the whole tenor of our treaty, which secures to us always the treatment of the most favored nation. Nevertheless, the refusal by the government of Batavia has been so formal, so deliberate and pointed, as to render it necessary to ask for some explanation. If you will allow me the honor of a moment's conference on this subject, the first time you come to town, I shall be obliged to you: and in the mean time, have that of assuring you of those sentiments of esteem and respect, with which I am, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER LXVIII.

TO GOUVERNEUR MORRIS.

Philadelphia, July 26, 1791.

Dear Sir,

Your favors of February the 26th and March the 16th have been duly received. The conferences which you held last with the British minister needed no apology. At the time of writing my letter desiring that communications with them might cease, it was supposed possible that some might take place before it would be received. They proved to be such as not to vary the opinion formed, and, indeed, the result of the whole is what was to have been expected from known circumstances. Yet the essay was perhaps necessary to justify, as well as induce, the measures proper for the protection of our commerce. The first remittance of a thousand dollars to you, was made without the aid of any facts, which could enable the government to judge what sum might be an indemnification for the interference of the business referred to you, with your private pursuits. Your letter of February the 26th furnishing grounds for correcting the first judgment, I now enclose you a bill on our bankers in Holland for another sum of a thousand dollars. In the original remittance, as in this supplement to it, there has been no view but to do what is right between the public and those who serve them.

Though no authentic account is yet received, we learn through private channels that General Scott has returned from a successful expedition against the Indians; having killed about thirty warriors, taken fifty odd women and children prisoners, and destroyed two or three villages, without the loss of a man, except three, drowned by accident. A similar expedition was to follow immediately after the first, while preparations are making for measures of more permanent effect: so that we hope this summer to bring the Indians to accept of a just and general peace, on which nothing will be asked of them but their peace.

The crops of wheat in the United States are rather abundant, and the quality good. Those of tobacco are not promising as yet. I have heard nothing of the rice crops.

I am, with very great esteem, Dear Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER LXIX.

TO WILLIAM SHORT.

Philadelphia, July 28, 1791.

DEAR SIR,

Since my last I have received letters from you as follows:

* * * * * * * * * *

Mine to you unacknowledged, were of March the 8th, 12th, 15th, 19th, April the 25th, and May the 10th. Your two last letters mention the length of time you have been without intelligence, having then received mine of January the 23rd only. You will perceive by the above, that six letters of a later date were on their way to you. The receipt of these, with the newspapers, journals, laws, and other printed papers accompanying them, will have relieved your anxiety, by answering several articles of your former letters, and opening to you some new and important matters. I scarcely ever miss the opportunity of a private vessel going from hence or New York to any port of France, without writing to you and sending you the newspapers, &c. In the winter, occasions are very rare, this port particularly being blocked up with ice. The reason of so long an interval between the last and present letter, has been the journey of a month, which that informed you I was about to take. This is the first vessel which has offered since my return: she is bound to Havre, and will carry the newspapers as usual.

The difference of sixty-two livres ten sols the hogshead, established by the National Assembly on tobacco brought in their and our ships, is such an act of hostility against our navigation, as was not to have been expected from the friendship of that nation. It is as new in its nature as extravagant in its degree; since it is unexampled, that any nation has endeavored to wrest from another the carriage of its own produce, except in the case of their colonies. The British navigation act, so much and so justly complained of, leaves to all nations the carriage of their own commodities free. This measure, too, is calculated expressly to take our own carriage from us and give the equivalent to other nations: for it is well known, that the shipping of France is not equal to the carriage of their whole commerce; but the freight in other branches of navigation being on an equal footing with only forty livres the hogshead, in ours, and this new arrangement giving them sixty-two livres ten sols the hogshead, in addition to their freight, that is to say, one hundred and two livres ten sols, instead of forty livres, their vessels will leave every other branch of business to fill up this. They will consequently leave a void in those other branches, which will be occupied by English, Dutch, and Swedes, on the spot. They complain of our tonnage duty; but it is because it is not understood. In the ports of France, we pay fees for anchorage, buoys, and beacons, fees to measurers, weighers, and guagers, and in some countries, for light-houses. We have thought it better that the public here should pay all these, and reimburse itself by a consolidation of them into one fee, proportioned to the tonnage of the vessel, and therefore called by that name. They complain that the foreign tonnage is higher than the domestic. If this complaint had come from the English, it would not have been wonderful, because the foreign tonnage operates really as a tax on their commerce, which, under this name, is found to pay sixteen dollars and fifty cents for every dollar paid by France. It was not conceived, that the latter would have complained of a measure calculated to operate so unequally on her rival, and I still suppose she would not complain, if the thing were well understood. The refusing to our vessels the faculty of becoming national bottoms, on sale to their citizens, was never before done by any nation but England. I cannot help hoping that these were wanderings of a moment, founded in misinformation, which reflection will have corrected before you receive this.

Whenever jealousies are expressed as to any supposed views of ours, on the dominion of the West Indies, you cannot go farther than the truth, in asserting we have none. If there be one principle more deeply rooted than any other in the mind of every American, it is, that we should have nothing to do with conquest. As to commerce, indeed, we have strong sensations. In casting our eyes over the earth, we see no instance of a nation forbidden, as we are, by foreign powers, to deal with neighbors, and obliged, with them, to carry into another hemisphere, the mutual supplies necessary to relieve mutual wants. This is not merely a question between the foreign power and our neighbor. We are interested in it equally with the latter, and nothing but moderation, at least with respect to us, can render us indifferent to its continuance. An exchange of surpluses and wants between neighbor nations is both a right and a duty under the moral law, and measures against right should be mollified in their exercise, if it be wished to lengthen them to the greatest term possible. Circumstances sometimes require, that rights the most unquestionable should be advanced with delicacy. It would seem that the one now spoken of would need only a mention, to be assented to by any unprejudiced mind: but with respect to America, Europeans in general have been too long in the habit of confounding force with right. The Marquis de la Fayette stands in such a relation between the two countries, that I should think him perfectly capable of seeing what is just as to both. Perhaps on some occasion of free conversation, you might find an opportunity of impressing these truths on his mind, and that from him they might be let out at a proper moment as matters meriting consideration and weight, when they shall be engaged in the work of forming a constitution for our neighbors. In policy, if not in justice, they should be disposed to avoid oppression, which, falling on us as well as on their colonies, might tempt us to act together.*

The element of measure adopted by the National Assembly excludes, *ipsò facto*, every nation on earth from a communion of measure with them; for they acknowledge themselves, that a due portion for admeasurement of a meridian crossing the forty-fifth degree of latitude, and terminating at both ends in the same level, can be found in no country on earth but theirs. It would follow then, that other nations must trust to their admeasurement, or send persons into their country to make it themselves, not only in the first instance, but whenever afterwards they may wish to verify their measures. Instead of concurring, then, in a measure which, like the pendulum, may be found in every point of the forty-fifth degree, and through both hemispheres, and consequently in all the countries of the earth lying under that parallel, either northern or southern, they adopt one which can be found but in a single point of the northern parallel, and consequently only in one country, and that country is theirs.

I left with you a statement of the case of Schweighaeuser and Dobrée, with the original vouchers on which it depends. From these you will have known, that being authorized by Congress to settle this matter, I began by offering to them an arbitration before honest and judicious men of a neutral nation. They declined this, and had the modesty to propose an arbitration before *merchants of their own town*. I gave them warning then, that as the offer on the part of a sovereign nation to submit to a private arbitration was an unusual condescendence, if they did not accept it then, it would not be repeated, and that the United States would judge the case for themselves hereafter. They continued to decline it, and the case now stands thus. The territorial judge of France has undertaken to call the United States to his jurisdiction, and has arrested their property, in order to enforce appearance, and possess himself of a matter whereon to found a decree; but no

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[* This paragraph was in cipher, but an explication of it preserved with the copy.]

court can have jurisdiction over a sovereign nation. This position was agreed to; but it was urged, that some act of Mr. Barclay's had admitted the jurisdiction. It was denied that there had been any such act by Mr. Barclay, and disavowed, if there was one, as without authority from the United States, the property on which the arrest was made having been purchased by Dr. Franklin, and remaining in his possession till taken out of it by the arrest. On this disavowal, it was agreed that there could be no further contest, and I received assurance that the property should be withdrawn from the possession of the court by an evocation of the cause before the King's Council, on which, without other proceedings, it should be delivered to the United States. Applications were repeated as often as dignity, or even decency, would permit; but it was never done. Thus the matter rests, and thus it is meant it should rest. No answer of any kind is to be given to Schweighaeuser and Dobrée. If they think proper to apply to their sovereign, I presume there will be a communication either through you or their representative here, and we shall have no difficulty to show the character of the treatment we have experienced.

I will observe for your information, that the sustenance of our captives at Algiers is committed to Colonel Humphreys.

You will be so kind as to remember, that your public account from the 1st day of July, 1790, to the last of June, 1791, inclusive, is desired before the meeting of congress, that I may be able to lay before them the general account of the foreign fund for that year.

General Scott has returned from a successful expedition against the northern Indians, having killed thirty-two warriors, taken fifty-eight women and children prisoners, and destroyed three towns and villages, with a great deal of corn in grain and growth. A similar expedition was to follow immediately, while preparation is making for measures of more permanent effect; so that we may reasonably hope the Indians will be induced to accept of peace, which is all we desire.

Our funds have risen nearly to par. The eight millions for the bank was subscribed as fast as it could be written, and that stock is now above par. Our crops of wheat have been rather abundant, and of excellent quality. Those of tobacco are not very promising as yet. The census is not yet completed, but, from what we hear, we may expect our whole numbers will be nearer four than three millions. I enclose a sketch of the numbers as far as we yet know them.

I am, with great and sincere esteem, Dear Sir, your sincere friend and servant, TH: JEFFERSON.

LETTER LXX.

TO THE PRESIDENT.

Philadelphia, July 30, 1791.

SIR,

I have the honor to enclose, for your perusal, a letter which I have prepared for Mr. Short.

The ill humor into which the French colonies are getting, and the little dependence on the troops sent thither, may produce a hesitation in the National Assembly as to the conditions they will impose in their constitution. In a moment of hesitation, small matters may influence their decision. They may see the impolicy of insisting on particular conditions, which, operating as grievances on us as well as on their colonists, might produce a concert of action. I have thought it would not be amiss to trust to Mr. Short the sentiments in the ciphered part of the letter, leaving him to govern himself by circumstances, whether to let them leak out at all or not, and whether so as that it may be known or remain unknown that they come from us. A perfect knowledge of his judgment and discretion leaves me entirely satisfied, that they will be not used, or so used as events shall render proper. But if you think that the possibility that harm may be done, overweighs the chance of good, I would expunge them, as, in cases of doubt, it is better to say too little than too much.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER LXXI.

TO GENERAL KNOX.

Philadelphia, August 10, 1791.

DEAR SIR,

I have now the honor to return you the petition of Mr. Moultrie on behalf of the South Carolina Yazoo company. Without noticing that some of the highest functions of sovereignty are assumed in the very papers which he annexes as his justification, I am of opinion that government should firmly maintain this ground; that the Indians have a right to the occupation of their lands, independent of the States within whose chartered lines they happen to be; that until they cede them by treaty or other transaction equivalent to a treaty, no act of a State can give a right to such lands; that neither under the present constitution, nor the ancient confederation, had any State or person a right to treat with the Indians, without the consent of the General Government; that that consent has never been given to any treaty for the cession of the lands in question; that the government is determined to exert all its energy for the patronage and protection of the rights of the Indians, and the preservation of peace between the United States and them; and that if any settlements are made on lands not ceded by them, *without the previous consent of the United States*, the government will think itself bound, not only to declare to the Indians that such settlements are without the authority or protection of the United States, but to remove them also by the public force.

It is in compliance with your request, my dear Sir, that I submit these ideas to you, to whom it belongs to give place to them, or such others as your better judgment shall prefer, in answer to Mr. Moultrie.

I have the honor to be, with sentiments of the most sincere and respectful esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER LXXII.

The Secretary of State has the honor to inform the Minister of France, that the President will receive his letters of credence to-day, at half after two; that this will be done in a room of private audience, without any ceremony whatever, or other person present than the Secretary of State, this being the usage which will be observed.

As the Secretary of State will be with the President before that hour on business, the Minister will find him there.

August 12, 1791.

LETTER LXXIII.

TO SYLVANUS BOURNE.

Philadelphia, August 14, 1791.

SIR,

My letter of May the 13th acknowledged the receipt of yours of November the 30th. Since writing that, I have received yours of April the 29th and June the 30th, addressed to myself, and of July the 14th, to Mr. Remsen. As none of these acknowledge mine of May the 13th, I now enclose you a duplicate of it, fearing the first has miscarried. In this, you will find the sentiments of our government on the subject of your recognition. Subsequent circumstances have rendered it an object still less proper to be pressed. In the present divisions of that country, we wish to avoid every measure which may excite the jealousy of any party, being sincerely the friends and well-wishers of all. As to my writing to the Governor, as pressed in your letter of April the 29th, it would be contrary to the usage established among nations, and therefore cannot be done. We have received Consuls from France, England, Portugal, Sweden, with no other credential but their open commissions; we have sent Consuls to most of the countries of Europe with nothing more. There has never been an instance of a special letter demanded.

Though we have not received an authenticated copy of the decree of the National Assembly of France, extending the repeal of the law of *Droit d'Aubaine*, by name, to their colonies, yet we know it has been so extended, and doubt not that a notification thereof has been sent to the colonies, so as to relieve us from that oppression.

As Congress have not, as yet, allowed any emoluments to the Consuls of the United States, and perhaps may not mean to do it, we do not expect that any of those gentlemen will think themselves confined to their residence a moment beyond their own convenience. These appointments are given to gentlemen who are satisfied to perform their duties, in consideration of the respect and accidental advantages they may derive from them. When the consideration ceases to be sufficient, the government cannot insist on a continuation of services, because this would found claims which it does not mean to authorize. On these principles, Mr. Skipwith has lately returned from Martinique; on the same, it is my duty to say, that however satisfied we should be with a continuance of your services at St. Domingo, we cannot and do not ask them longer than convenient to yourself.

I have the honor to be, with great regard, Sir, your most obedient, humble servant,

TH : JEFFERSON.

LETTER LXXIV.

TO WILLIAM SHORT.

Philadelphia, August 29, 1791.

DEAR SIR,

I am to acknowledge the receipt of your No. 67, June the 6th, No. 68, June the 10th, No. 69, June the 22nd, No. 70, June the 26th, No. 71, June the 29th; the three last by the British packet. My last to you was of July the 28th, by a vessel bound to Havre. This goes to the same port, because accompanied by newspapers. It will be the last I shall write you these two months, as I am to set out for Virginia the next week. I now enclose you a copy of my letter of March the 12th, to Mr. Carmichael, which you say was not in that of the same date to you. There was no paper to accompany it but St. Marie's, which you say you received. I enclose you also a copy of our census, written in black ink, so far as we have actual returns, and supplied by conjecture in red ink, where we have no returns: but the conjectures are known to be very near the truth. Making very small allowance for omissions, which we know to have been very great, we are certainly above four millions, probably about four millions one hundred thousand.

There is a vessel now lying at Philadelphia, advertising to receive emigrants to Louisiana, gratis, on account of the Spanish government. Be so good as to mention this to M. de Montmorin, who will be a judge what we must feel under so impudent a transaction.

You observe, that if Drost does not come, you have not been authorized to engage another coiner. If he does not come, there will probably be one engaged here. If he comes, I should think him a safe hand to send the diplomatic die by, as also all the dies of our medal, which may be used here for striking off what shall be wanting hereafter. But I would not have them trusted at sea, but from April to October inclusive. Should you not send them by Drost, Havre will be the best route. I have not spoken with the Secretary of the Treasury yet, on the subject of the presses, but believe you may safely consider two presses as sufficient for us, and agree for no more without a further request.

The decree of the National Assembly, relative to tobacco carried in French or American ships, is likely to have such an effect in our ports, as to render it impossible to conjecture what may or may not be done. It is impossible to let it go on without a vigorous correction. If that should be administered on our part, it will produce irritation on both sides, and lessen that disposition which we feel cordially to concur in a treaty, which shall melt the two nations as to commercial matters into one, as nearly as possible. It is extremely desirable, that the National Assembly should themselves correct the decree, by a repeal founded on the expectation of an arrangement.

We have, as yet, no news of the event of our second expedition against the Indians.

I am, with great and sincere esteem, Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER LXXV.

TO M. LA MOTTE.

Philadelphia, August 30, 1791.

SIR,

I am now to acknowledge the receipt of your favors of February the 9th, March the 25th, and April the 24th; as also of the several packages of wine, carriages, &c. which came safe to hand, and for your care of which be pleased to accept my thanks.

I am sensible of the difficulties to which our Consuls are exposed by the applications of sailors, calling themselves Americans. Though the difference of dialect between the Irish and Scotch, and the Americans, is sensible to the ear of a native, it is not to that of a foreigner, however well he understands the language; and between the American and English (unless of particular provinces) there is no difference sensible even to a native. Among hundreds of applications to me, at Paris, nine-tenths were Irish, whom I readily discovered. The residue, I think, were English: and I believe not a single instance of a Scotchman or American. The sobriety and order of the two last, preserve them from want. You will find it necessary, therefore, to be extremely on your guard against these applications. The bill of expenses for Huls is much beyond those aids which I should think myself authorized to have advanced habitually, until the law shall make express provision for that purpose. I must, therefore, recommend to you, to hazard only small sums in future, until our legislature shall lay down more precise rules for my government.

The difference of duty on tobacco carried to France in French and American bottoms, has excited great uneasiness. We presume the National Assembly must have been hurried into the measure, without being allowed time to reflect on its consequences. A moment's consideration must convince any body, that no nation upon earth ever submitted to so enormous an assault on the transportation of their own produce. Retaliation, to be equal, will have the air of extreme severity and hostility. Such would be an *additional tonnage* of twelve livres ten sous the ton burthen, on all *French* ships entering our ports. Yet this would but exactly balance an *additional duty* of six livres five sous the hogshead of tobacco, brought in *American ships* entering in the ports of France. I hope, either that the National Assembly will repeal the measure, or the proposed treaty be so hastened, as to get this matter out of the way before it shall be necessary for the ensuing legislature to act on it. Their measure, and our retaliation on it, which is unavoidable, will very illy prepare the minds of both parties for a liberal treaty. My confidence in the friendly dispositions of the National Assembly, and in the sincerity of what they have expressed on the subject, induce me to impute it to surprise altogether, and to hope it will be repealed before time shall be given to take it up here.

I have the honor to be, with great esteem, Sir, your most obedient humble servant,

TH : JEFFERSON.

LETTER LXXVI.

TO GOUVERNEUR MORRIS.

Philadelphia, August 30, 1791.

DEAR SIR,

My letter of July the 26th covered my first of exchange for a thousand dollars, and though that went by so sure an opportunity as to leave little doubt of its receipt, yet, for greater security, I enclose a second.

The tranquillity of our country leaves us nothing to relate, which may interest a mind surrounded by such buoyant scenes as yours. No matter; I will still tell you the charming though homespun news, that our crops of wheat have been abundant and of superior quality; that very great though partial drought has destroyed the crops of hay to the north, and corn to the south; that the late rains may recover the tobacco to a middling crop, and that the fields of rice are promising.

I informed you in my last, of the success of our first expedition against the Indians. A second has gone against them, the result of which is not yet known. Our public credit is good, but the abundance of paper has produced a spirit of gambling in the funds, which has laid up our ships at the wharves, as too slow instruments of profit, and has even disarmed the hand of the tailor of his needle and thimble. They say the evil will cure itself. I wish it may; but I have rarely seen a gamester cured, even by the disasters of his vocation. Some new indications of the ideas with which the British cabinet are coming into treaty, confirm your opinions, which I knew to be right, but the Anglomany of some would not permit them to accede to.

Adieu, my dear Sir. Your affectionate, humble servant,

TH: JEFFERSON.

LETTER LXXVII.

TO MONSIEUR DE TERNANT, *Minister Plenipotentiary of France.*

Philadelphia, September 1, 1791.

SIR,

I have communicated to the President what passed between us the other day, on the subject of the payments made to France by the United States in the *assignats* of that country, since they have lost their par with gold and silver; and after conferences, by his instruction, with the Secretary of the Treasury, I am authorized to assure you, that the government of the United States have no idea of paying their debt in a depreciated medium, and that in the final liquidation of the payments which shall have been made, due regard will be had to an equitable allowance for the circumstance of depreciation.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER LXXVIII.

TO T. NEWTON.

Georgetown, September 8, 1791.

Dear Sir,

I was in the moment of my departure from Philadelphia, for Virginia, when I received your favor, inquiring how far the law of nations is to govern in proceedings respecting foreign consuls.

The law of nations does not of itself extend to consuls at all. They are not of the diplomatic class of characters, to which alone that law extends of right. Convention, indeed, may give it to them, and sometimes has done so; but in that case, the convention can be produced. In ours with France, it is expressly declared that consuls shall not have the privileges of that law, and we have no convention with any other nation.

Congress have had before them a bill on the subject of consuls, but have not as yet passed it. Their code then furnishes no law to govern these cases.

Consequently, *they are to be decided by the State laws alone.* Some of these, I know, have given certain privileges to consuls; and I think those of Virginia did at one time. Of the extent and continuance of those laws, you are a better judge than I am.

Independently of law, consuls are to be considered as distinguished foreigners, dignified by a commission from their sovereign, and specially recommended by him to the respect of the nation with whom they reside. They are subject to the laws of the land, indeed, precisely as other foreigners are, a convention, where there is one, making a part of the laws of the land; but if at any time, their conduct should render it necessary to assert the authority of the laws over them, the rigor of those laws should be tempered by our respect for their sovereign, as far as the case will admit. This moderate and respectful treatment towards foreign consuls, it is my duty to recommend and press on our citizens, because I ask it for their good towards our own consuls, from the people with whom they reside.

In what I have said, I beg leave to be understood as laying down general principles only, and not as applying them to the facts which may have arisen. Before such application, those facts should be heard from all whom they interest. You, who have so heard them, will be able to make the application yourself, and that, not only in the present, but in future cases.

I have the honor to be, with great esteem, your most obedient, humble servant, Th: Jefferson.

LETTER LXXIX.

Mr. Jefferson has the honor of presenting his compliments to Mr. Hammond, of expressing his regrets that he happened to be from home when Mr. Hammond did him the honor of calling on him, and was equally unlucky in not finding him at home when he waited on him on Monday. Being informed by Mr. Bond, that Mr. Hammond is charged with a public mission to the government of the United States, relative to which some previous explanations might be proper, Mr. Jefferson has the honor to assure Mr. Hammond, he shall be ready to receive any communications and enter into explanations, either formally or informally, as Mr. Hammond shall choose, and at any time suitable to him. He recollects with pleasure his acquaintance with Mr. Hammond in Paris, and shall be happy in every opportunity of rendering him such offices and attentions as may be acceptable to him.

October 26, 1791.

LETTER LXXX.

TO WILLIAM CARMICHAEL.

Philadelphia, November 6, 1791.

Sir,

My last letter to you was of the 24th of August. A gentleman going from hence to Cadiz will be the bearer of this, and of the newspapers to the present date, and will take care that the letter be got safe to you, if the papers cannot.

Mr. Mangnal, at length tired out with his useless solicitations at this office, to obtain redress from the court of Spain for the loss of the Dover Cutter, has laid the matter before Congress, and the Senate have desired me to report thereon to them. I am very sorry to know nothing more of the subject, than that letter after letter has been written to you thereon, and that the office is in possession of nothing more than acknowledgments of your receipt of some of them, so long ago as August, 1786, and still to add, that your letter of January the 24th, 1791, is the only one received of later date than May the 6th, 1789. You certainly will not wonder, if the receipt of but one letter in two years and an half inspires a considerable degree of impatience. I have learned through a circuitous channel, that the court of Madrid is at length disposed to yield our right of navigating the Mississippi. I sincerely wish it may be the case, and that this act of justice may be made known, before the delay of it produces any thing intemperate from our western inhabitants.

Congress is now in session. You will see, in the paper herewith sent, the several weighty matters laid before them in the President's speech. The session will probably continue through the winter. I shall sincerely rejoice to receive from you, not only a satisfactory explanation of the reasons why we receive no letters, but grounds to hope that it will be otherwise in future.

I have the honor to be, with great esteem, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER LXXXI.

TO THE PRESIDENT.

November 6, 1791.

Sir,

I have the honor to enclose you the draught of a letter to Governor Pinckney, and to observe, that I suppose it to be proper that there should, on fit occasions, be a direct correspondence between the President of the United States and the Governors of the States; and that it will probably be grateful to them to receive from the President, answers to the letters they address to him. The correspondence with them on ordinary business may still be kept up by the Secretary of State, in his own name.

I enclose also a letter to Major Pinckney, with a blank to be filled up, when you shall have made up your mind on it. I have conferred with Mr. M. on the idea of the commissioners of the federal town proceeding to make private sales of the lots, and he thinks it advisable. I cannot but repeat, that if the surveyors will begin on the river, laying off the lots from Rock Creek to the Eastern Branch, and go on, abreast in that way, from the river towards the back part of the town, they may pass the avenue from the President's house to the Capitol, before the spring; and as soon as they shall have passed it, a public sale may take place, without injustice to either the Georgetown or Carrolsburg interest. Will not the present afford you a proper occasion of assuring the commissioners, that you leave every thing respecting L'Enfant to them?

I have the honor to be, with the most sincere respect, Sir, your most obedient, humble servant,

Th: Jefferson.

LETTER LXXXII.

TO MAJOR THOMAS PINCKNEY.

Philadelphia, November 6, 1791.

Sir,

The mission of a Minister Plenipotentiary to the court of London being now to take place, the President of the United States is desirous of availing the public of your services in that office. I have it in charge, therefore, from him, to ask whether it will be agreeable that he should nominate you for that purpose to the Senate. We know that higher motives will alone influence your mind in the acceptance of this charge. Yet it is proper, at the same time, to inform you, that as a provision for your expenses in the exercise of it, an outfit of nine thousand dollars is allowed, and an annual salary to the same amount, payable quarterly. On receiving your permission, the necessary orders for these sums, together with your credentials, shall be forwarded to you, and it would be expected that you should proceed on the mission as soon as you can have made those arrangements for your private affairs, which such an absence may render indispensable. Let me only ask the favor of you to give me an immediate answer, and by duplicate, by sea and post, that we may have the benefit of both chances for receiving it as early as possible. Though I have not the honor of a personal acquaintance with you, yet I beg you to be assured, that I feel all that anxiety for your entrance on this important mission, which a thorough conviction of your fitness for it can inspire; and that in its relations with my office, I shall always endeavor to render it as agreeable to you as possible.

I have the honor to be, with sentiments of the highest respect and esteem, Sir, your most obedient, humble servant,

Th: Jefferson.

LETTER LXXXIII.

TO THE PRESIDENT.

Philadelphia, November 7, 1791.

Sir,

I have duly considered the letter you were pleased to refer to me, of the 18th of August, from his Excellency Governor Pinckney to yourself, together with the draught of one proposed to be written by him to the Governor of Florida, claiming the re-delivery of certain fugitives from justice, who have been received in that country. The inconveniences of such a receptacle for debtors and malefactors in the neighborhood of the southern States, are obvious and great, and I wish the remedy were as certain and short as the latter seems to suppose.

The delivery of fugitives from one country to another, as practised by several nations, is in consequence of conventions settled between them, defining precisely the cases wherein such deliveries shall take place. I know that such conventions exist between France and Spain, France and Sardinia, France and Germany, France and the United Netherlands; between the several sovereigns constituting the Germanic body, and, I believe, very generally between co-terminous States on the continent of Europe. England has no such convention with any nation, and their laws have given no power to their executive to surrender fugitives of any description; they are, accordingly, constantly refused, and hence England has been the asylum of the Paolis, the La Mottes, the Calonnes, in short, of the most atrocious offenders as well as the most innocent victims, who have been able to get there.

The laws of the United States, like those of England, receive every fugitive, and no authority has been given to our executives to deliver them up. In the case of Longchamp, a subject of France, a formal demand was made by the minister of France, and was refused. He had, indeed, committed an offence within the United States; but he was not demanded as a criminal, but as a subject.

The French government has shown great anxiety to have such a convention with the United States, as might authorize them to demand their subjects coming here: they got a clause in the consular convention signed by Dr. Franklin and the Count de Vergennes, giving their Consuls a right to take and send back captains of vessels, mariners, and *passengers*. Congress saw the extent of the word *passengers*, and refused to ratify the convention; a new one was therefore formed, omitting that word. In fact, however desirable it be that the perpetrators of crimes, acknowledged to be such by all mankind, should be delivered up to punishment, yet it is extremely difficult to draw the line between those, and acts rendered criminal by tyrannical laws only; hence the first step always is a convention defining the cases where a surrender shall take place.

If, then, the United States could not deliver up to Governor Quesada, a fugitive from the laws of his country, we cannot claim as a right the delivery of fugitives from us; and it is worthy consideration, whether the demand proposed to be made in Governor Pinckney's letter, should it be complied with by the other party, might not commit us disagreeably, perhaps dishonorably, in event; for I do not think we can take for granted, that the legislature of the United States will establish a convention for the mutual delivery of fugitives; and without a reasonable certainty that they will, I think we ought not to give Governor Quesada any grounds to expect that in a similar case, we would re-deliver fugitives from his government.

I have the honor to be, with the most profound respect and attachment, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER LXXXIV.

TO WILLIAM SHORT.

Philadelphia, November 24, 1791.

DEAR SIR,

My last to you was of August the 29th, acknowledging the receipt of your Nos. 67, 68, 69, 70, 71, and informing you I was about setting out to Virginia, and should not again write to you till my return. Only one vessel has sailed from hence to Havre since my return, and my notice of her departure was so short, that I could not avail myself of it. Your Nos. 72, 73, 74, 75, 78, came here during my absence, and 79, 80, were received October the 28th. The Nos. 76 and 77 seem to be missing.

You mention that Drost wishes the devices of our money to be sent to him, that he may engrave them there. This cannot be done, because not yet decided on. The devices will be fixed by the law which shall establish the mint. M. de Ternant tells me he has no instructions to propose to us the negotiation of a commercial treaty, and that he does not expect any. I wish it were possible to draw that negotiation to this place. In your letter of July the 24th, is the following paragraph. 'It is published in the English newspapers, that war is inevitable between the United States and Spain, and that preparations are making for it on both sides. M. de Montmorin asked me how the business stood at present, and seemed somewhat surprised at my telling him, that I knew nothing later than what I had formerly mentioned to him. I have, in more than one instance, experienced the inconvenience of being without information. In this, it is disagreeable, as it may have the appearance with M. de Montmorin, of my having something to conceal from him, which not being the case, it would be wrong that he should be allowed to take up such an idea. I observed, that I did not suppose there was any new circumstance, as you had not informed me of it.' Your observation was certainly just. It would be an Augean task for me to go through the London newspapers, and formally contradict all their lies, even those relating to America. On our side, there have been certainly no preparations for war against Spain; nor have I heard of any on their part, but *in the London newspapers*. As to the progress of the negotiation, I know nothing of it but from you; having never had a letter from Mr. Carmichael on the subject. Our best newspapers are sent you from my office with scrupulous exactness, by every vessel sailing to Havre or any other convenient port of France. On these I rely for giving you information of all the facts possessed by the public; and as to those not possessed by them, I think there has not been a single instance of my leaving you uninformed of any of them which related to the matters under your charge. In Freneau's paper of the 21st instant, you will see a small essay on population and emigration, which I think it would be well if the news-writers of Paris would translate and insert in their papers. The sentiments are too just not to make impression.

Some proceedings of the assembly of St. Domingo have lately taken place, which it is necessary for me to state to you exactly, that you may be able to do the same to M. de Montmorin. When the insurrection of their negroes assumed a very threatening appearance, the Assembly sent a deputy here to ask assistance of military stores and provisions. He addressed himself to M. de Ternant, who (the President being then in Virginia, as I was also) applied to the Secretaries of the Treasury and War. They furnished one thousand stand of arms, other military stores, and placed forty thousand dollars in the treasury, subject to the order of M. de Ternant, to be laid out in provisions, or otherwise, as he should think best. He sent the arms and other military stores; but the want of provisions did not seem so instantaneous as to render it necessary, in his opinion, to send any at that time. Before the vessel arrived in St. Domingo, the Assembly, further urged by the appearance of danger, sent two deputies more, with larger demands; viz. eight thousand fusils and bayonets, two thousand musquetoons, three thousand pistols, three thousand sabres, twenty-four thousand barrels of flour, four hundred thousand livres' worth of Indian meal, rice, pease, and hay, and a large quantity of plank, &c. to repair the buildings destroyed. They applied to M. de Ternant, and then with his consent to me; he and I having previously had a conversation on the subject. They proposed to me, first, that we should supply those wants from the money we owed France; or secondly, from the bills of exchange which they were authorized to draw on a particular fund in France; or thirdly, that we would guaranty their bills, in which case they could dispose of them to merchants, and buy the necessaries themselves. I convinced them the two latter alternatives were beyond the powers of the executive, and the first could only be done with the consent of the minister of France. In the course of our conversation, I expressed to them our sincere attachment to France and all its dominions, and most especially to them who were our neighbors, and whose interests had some common points of union with ours, in matters of commerce; that we wished, therefore, to render them every service they needed, but that we could not do it in any way disagreeable to France; that they must be sensible, that M. de Ternant might apprehend that jealousy would be excited by their addressing themselves directly to foreign powers, and, therefore, that a concert with him in their applications to us was essential. The subject of independence and their views towards it having been stated in the public papers, this led our conversation to it; and, I must say, they appeared as far from these views as any persons on earth. I expressed to them, freely, my opinion that such an object was neither desirable on their part, nor attainable; that as to ourselves, there was one case which would be peculiarly alarming to us, to wit, were there a danger of their falling under any other power; that we conceived it to be strongly our interest, that they should retain their connection with the mother country; that we had a common interest with them, in furnishing them the necessaries of life in exchange for sugar and coffee for our own consumption, but that I thought we might rely on the justice of the mother country towards them, for their obtaining this privilege: and, on the whole, let them see that nothing was to be done, but with the consent of the minister of France.

I am convinced myself, that their views and their application to us are perfectly innocent; however, M. de Ternant, and still more, M. de la Forest, are jealous. The deputies, on the other hand, think that M. de Ternant is not sensible enough of their wants. They delivered me sealed letters to the President and to Congress. That to the President contained only a picture of their distresses, and application for relief. That to Congress, I know no otherwise than through the public papers. The Senate read it, and sent it to the Representatives, who read it, and have taken no other notice of it. The line of conduct I pursue, is, to persuade these gentlemen to be contented with such moderate supplies, from time to time, as will keep them from real distress, and to wait with patience for what would be a surplus, till M. de Ternant can receive instructions from France, which he has reason to expect within a few weeks; and I encourage the latter gentleman even to go beyond their absolute wants of the moment, so far as to keep them in good humor. He is accordingly proposing to lay out ten thousand dollars for them, for the present. It would be ridiculous in the present case, to talk about forms. There are situations when form must be dispensed with. A man attacked by assassins will call for help to those nearest him, and will not think himself bound to silence till a magistrate may come to his aid. It would be unwise in the highest degree, that the colonists should be disgusted with either France or us; for it might then be made to depend on the moderation of another power, whether what appears a chimera may not become a reality. I have thought it necessary to go thus fully into this transaction, and particularly as to the sentiments I have expressed to them, that you may be enabled to place our proceedings in their true light.

Our Indian expeditions have proved successful. As yet, however, they have not led to peace. Mr. Hammond has lately arrived here, as Minister Plenipotentiary from the court of London, and we propose to name one to that court in return. Congress will probably establish the ratio of representation by a bill now before them, at one representative for every thirty thousand inhabitants. Besides the newspapers, as usual, you will receive herewith the census lately taken, by towns and counties as well as by States.

I am, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER LXXXV.

TO THE ATTORNEY GENERAL.

Philadelphia, December 5, 1791.

DEAR SIR,

The enclosed memorial from the British minister, on the case of Thomas Pagan, containing a complaint of injustice in the dispensations of law by the courts of Massachusetts to a British subject, the President approves of my referring it to you, to report thereon your opinion of the proceedings, and whether any thing, and what, can or ought to be done by the government in consequence thereof.

I am, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

[The Memorial of the British minister.]

The undersigned, his Britannic Majesty's Minister Plenipotentiary to the United States of America, has the honor of laying before the Secretary of State, the following brief abstract of the case of Thomas Pagan, a subject of his Britannic Majesty, now confined in the prison of Boston, under an execution issued against him out of the Supreme Judicial Court of Massachusetts Bay. To this abstract, the undersigned has taken the liberty of annexing some observations, which naturally arise out of the statement of the transaction, and which may perhaps tend to throw some small degree of light on the general merits of the case.

In the late war, Thomas Pagan was agent for, and part owner of a privateer called the Industry, which, on the 25th of March, 1783, off Cape Ann, captured a brigantine called the Thomas, belonging to Mr. Stephen Hooper, of Newburyport. The brigantine and cargo were libelled in the Court of Vice-Admiralty in Nova Scotia, and that court ordered the prize to be restored. An appeal was however moved for by the captors, and regularly prosecuted in England before the Lords of Appeals for prize causes, who, in February, 1790, reversed the decree of the Vice-Admiralty Court of Nova Scotia, and condemned the brigantine and cargo as good and lawful prize.

In December, 1788, a judgment was obtained by Stephen

Hooper in the Court of Common Pleas for the county of Essex, in Massachusetts, against Thomas Pagan for three thousand five hundred pounds lawful money, for money had and received to the plaintiff's use. An appeal was brought thereon in May, 1789, to the Supreme Judicial Court of the Commonwealth of Massachusetts, held at Ipswich, for the county of Essex, and on the 16th of June, 1789, a verdict was found for Mr. Hooper, and damages were assessed at three thousand and nine pounds two shillings and ten pence, which sum is 'for the vessel called the brigantine Thomas, her cargo, and every article found on board.' After this verdict, and before entering the judgment, Mr. Pagan moved for a new trial, suggesting that the verdict was against law; because the merits of the case originated in a question, whether a certain brigantine called the Thomas, with her cargo, taken on the high seas by a private ship of war called the Industry, was prize or no prize, and that the court had no authority to give judgment in a cause, where the point of a resulting or implied promise arose upon a question of this sort. The Supreme Judicial Court refused this motion for a new trial, because it appeared to the court, that, in order to a legal decision, it is not necessary to inquire whether this prize and her cargo were prize or no prize, and because the case did not, in their opinion, involve a question relative to any matter or thing necessarily consequent upon the capture thereof: it was therefore considered by the court, that Hooper should receive of Pagan three thousand and nine pounds two shillings and ten pence, lawful money, damages; and taxed costs, sixteen pounds two shillings and ten pence. From this judgment, Pagan claimed an appeal to the Supreme Judicial Court of the United States of America, for these reasons; that the judgment was given in an action brought by Hooper, who is, and at the time of commencing the action was, a citizen of the Commonwealth of Massachusetts, one of the United States, against Pagan, who at the time when the action was commenced, was and ever since has been a subject of the King of Great Britain, residing in and inhabiting his province of New Brunswick. This claim of an appeal was not allowed, because it was considered by the court, that this court was the Supreme Judicial Court of the Commonwealth of Massachusetts, from whose judgment there is no appeal; and further, because there does not exist any such court within the United States of America, as that to which Pagan has claimed an appeal from the judgment of this court. Thereupon, execution issued against Pagan on the 9th of October, 1789, and he has been confined in Boston prison ever since.

It is to be observed, that in August, 1789, Mr. Pagan petitioned the Supreme Judicial Court of Massachusetts for a new trial, and after hearing the arguments of counsel, a new trial was refused. On the 1st of January, 1791, his Britanic Majesty's Consul at Boston applied for redress on behalf of Mr. Pagan, to the Governor of Massachusetts Bay, who, in his letter of the 28th of January, 1791, was pleased to recommend this matter to the serious attention of the Senate and House of Representatives of that State. On the 14th of February, 1791, the British Consul memorialized the Senate and House of Representatives on this subject. On the 22nd of February, a committee of both Houses reported a resolution, that the memorial of the Consul and message from the Governor with all the papers, be referred to the consideration of the justices of the Supreme Judicial Court, who were directed, as far as may be, to examine into and consider the circumstances of the case, and if they found that by the force and effect allowed by the law of nations to foreign admiralty jurisdictions, &c. Hooper ought not to have recovered judgment against Pagan, the court was authorized to grant a review of the action. On the 13th of June, 1791, the British Consul again represented to the Senate and House of Representatives, that the justices of the Supreme Judicial Court had not been pleased to signify their decision on this subject, referred to them by the resolution of the 22nd of February. This representation was considered by a committee of the Senate and of the House of Representatives, who concluded that one of them should make inquiry of some of the judges to know their determination, and upon being informed that the judges intended to give their opinion, with their reasons, *in writing*, the committee would not proceed any further in the business. On the 27th of June, 1791, Mr. Pagan's counsel moved the justices of the Supreme Judicial Court for their opinion in the case of Hooper and Pagan, referred to their consideration by the resolve of the General Court, founded on the British Consul's memorial. Chief Justice and Justice Dana being absent, Justice Paine delivered it as the unanimous opinion of the judges absent as well as present, that Pagan was not entitled to a new trial for any of the causes mentioned in the said resolve, and added, 'that the court intended to put their opinions upon paper and to file them in the cause: that the sickness of two of the court had hitherto prevented it, but that it would soon be done.'

It is somewhat remarkable, that the Supreme Judicial Court of Massachusetts Bay should allege, that this case did not necessarily involve a question relative to prize or no prize, when the very jury to whom the court referred the decision of the case established the fact; their verdict was for three thousand and nine pounds two shillings and ten pence, damages, which sum is for the vessel called the brigantine Thomas, her cargo, and every thing found on board. Hence it is evident, that the case *did* involve a question of prize or no prize, and having received a formal decision by the only court competent to take cognizance thereof (viz. the High Court of Appeals for prize causes in England), every thing that at all related to the property in question or to the legality of the capture, was thereby finally determined. The legality of the capture being confirmed by the High Court of Appeals in England, cannot consistently with the principles of the law of nations be discussed in a foreign court of law; or at least, if a foreign court of common law is, by any local regulations, deemed competent to interfere in matters relating to captures, the decisions of admiralty courts or courts of appeal, should be received and taken as conclusive evidence of the legality or illegality of captures. By such decisions, property is either adjudged to the captors or restored to the owners; if adjudged to the captors, they obtain a permanent property in the captured goods acquired by the rights of war; and this principle originates in the wisdom of nations, and is calculated to prevent endless litigation.

The proceedings of the Supreme Judicial Court of Massachusetts Bay are in direct violation of the rules and usages that have been universally practised among nations in the determination of the validity of captures, and of all collateral questions that may have reference thereto. The General Court of Massachusetts Bay, among other things, kept this point in view, when they referred the case of Mr. Pagan to the consideration of the justices of the Supreme Judicial Court, and authorized the court to grant a review of the action, if it should be found that by the force and effect allowed by the law of nations to foreign admiralty jurisdictions, Mr. Hooper ought not to have recovered judgment against Mr. Pagan. But the Supreme Judicial Court have not only evaded this material consideration, upon which the whole question incontestably turns, but have assumed a fact in direct contradiction to the truth of the case, viz. that the case did not involve a question of prize or no prize. Moreover, they have denied Mr. Pagan the benefit of appeal to that court which is competent to decide on the force of treaties, and which court, by the constitution of the United States, is declared to possess *appellate* jurisdiction both as to law and fact, in all cases of controversy between citizens of the United States and subjects of foreign countries, to which class this case is peculiarly and strictly to be referred.

From the foregoing abstract of the case of Thomas Pagan, it appears that he is now detained in prison, in Boston, in consequence of a judgment given by a court which is not competent to decide upon his case, or which, if competent, refused to admit the only evidence that ought to have given jurisdiction, and that he is denied the means of appealing to the highest court of judicature known in these States, which exists in the very organization of the constitution of the United States, and is declared to possess appellate jurisdiction in all cases of a nature similar to this.

For these reasons, the undersigned begs leave respectfully to submit the whole matter to the consideration of the Secretary of State, and to request him to take such measures as may appear to him the best adapted for the purpose of obtaining for the said Thomas Pagan, such speedy and effectual redress as his case may seem to require.

George Hammond.

Philadelphia, November 26, 1791.

LETTER LXXXVI.

TO MR. HAMMOND, *Minister Plenipotentiary of Great Britain.*

Philadelphia, December 5, 1791.

Sir,

Your favor of November the 30th remains still unanswered, because the clerks are employed in copying some documents on the subject of the treaty of peace, which I wish to exhibit to you with the answer.

In the mean time, as to that part of your letter which respects matters of commerce, the fear of misunderstanding it induces me to mention my sense of it, and to ask if it be right. Where you are pleased to say, that 'you are authorized to communicate to this government his Majesty's readiness to enter into a negotiation for establishing that intercourse (of commerce) upon principles of reciprocal benefit,' I understand that you are not furnished with any commission or express powers to arrange a treaty with us, or to make any specific propositions on the subject of commerce; but only to assure us that his Britannic Majesty is ready to concur with us, in appointing persons, times, and places for commencing such a negotiation. Be so good as to inform me if there be any misapprehension in this, as some steps on our part may be necessary in consequence of it.

I have the honor to be, with the most perfect esteem, Sir, your most obedient and most humble servant, Th: Jefferson.

LETTER LXXXVII.

TO MR. HAMMOND.

Philadelphia, December 12, 1791.

Sir,

I take the liberty of enclosing you an extract of a letter from a respectable character, giving information of a Mr. Bowles, lately come from England into the Creek country, endeavoring to excite that nation of Indians to war against the United States, and pretending to be employed by the government of England. We have other testimony of these his pretensions, and that he carries them much farther than is here stated. We have too much confidence in the justice and wisdom of the British government, to believe they can approve of the proceedings of this incendiary and impostor, or countenance for a moment a person who takes the liberty of using their name for such a purpose; and I make the communication, merely that you may take that notice of the case which in your opinion shall be proper.

I have the honor to be, with great and sincere esteem, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER LXXXVIII.

TO MR. HAMMOND.

Philadelphia, December 13, 1791.

Sir,

I have laid before the President of the United States the letters of November the 30th and December the 6th, with which you honored me, and in consequence thereof and particularly of that part of your letter of December the 6th, where you say that you are fully authorized to enter into a negotiation for the purpose of arranging the commercial intercourse between the two countries, I have the honor to inform you, that I am ready to receive a communication of your full powers for that purpose, at any time you shall think proper, and to proceed immediately to their object.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER LXXXIX.

TO THE PRESIDENT.

Philadelphia, December 23, 1791.

SIR,

As the conditions of our commerce with the French and British dominions are important, and a moment seems to be approaching when it may be useful that both should be accurately understood, I have thrown a representation of them into the form of a table, showing at one view how the principal articles, interesting to our agriculture and navigation, stand in the European and American dominions of these two powers. As to so much of it as respects France, I have cited under every article the law on which it depends; which laws, from 1784 downwards, are in my possession.

Port-charges are so different, according to the size of the vessel and the dexterity of the captain, that an examination of a greater number of port-bills might, perhaps, produce a different result. I can only say, that that expressed in the table is fairly drawn from such bills as I could readily get access to, and that I have no reason to suppose it varies much from the truth, nor on which side the variation would lie. Still, I cannot make myself responsible for this article. The authorities cited will vouch the rest.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

Footing of the Commerce of the United States with France and England, and with the French and English American Colonies.

	FRANCE.	GREAT BRITAIN AND IRELAND.
Wheat, flour, &c.	(*a*) Free.	Prohibited till it is 6s. 4d. the bushel.
Rice.	(*a*) Free.	7s. 4d. sterling the kental.
Salted fish.	(*b*) 8 livres the kental.	Prohibited.
Salted beef.	(*c*) 5 livres the kental.	Prohibited.
Salted Pork.	(*d*) 5 livres the kental in some ports. Prohibited in others.	44s. 9d. the kental.
Furs.	(*a*) Free.	15 to 20 per cent.
Indigo.	(*c*) 5 livres the kental.	Free.
Whale-oil.	(*a*) 7 livres and 10 sous the barrel of 520 lbs.	£18 3s the ton.
Tar, pitch, turpentine.	(*a*) 2 1-2 per cent. 5 sous the kental, by new tariff.	11d. 11s. 2s. 3d. B.
Ships.	(*a*) Free for naturalization.	Prohibited naturalization.
(*b*) Port-charges.	cents. average. Bordeaux, 23 the ton. } 18 Havre, 11 the ton. }	average. London, 76 } Liverpool, 61 } 1.09 dols. Bristol, 1,43 } Hull, 1,57 }
(*f*) Exports to.	1,384, 246 D.	(*k*) 6,888,970 D.
(*f*) Imports from.	155,136 D.	13,965,464, D.
(*f*) Freighted in *their* vessels.	9,842 tons.	119,194 tons.
(*f*) Freighted in *our* vessels.	19,173 tons.	39,171 tons.

	FRENCH AMERICA.	ENGLISH AMERICA.
Wheat, flour, &c.	(*g*) Prohibited by a general law. Free, by suspensions from time to time.	Free, by proclamation.
Rice.	(*c*) 1 per cent.	Free, by proclamation.
Salted fish.	(*h*) 1 per cent. X 3 livres the kental.	Prohibited.
Salted beef.	(*c*) 1 per cent. X 3 livres the kental.	Prohibited.
Port-charges.	(*i*) Cape Franç. .96 } average. Port au Prince, .40 } .55 Martinique, .18 }	Jamaica, .76 } Antigua, .22 } average. Barbadoes, .42 } .44 St. Kitts, .43 } Dominique, .21 }
Exports to.	3,284,656. D.	2,357,583. D.
Imports from.	1,913,212. D.	1,319,964. D.
Freighted in *their* vessels.	3,959 tons.	107,759 tons.
Freighted in *our* vessels.	97,236 tons.	Prohibited.

The following articles, being on an equal footing in both countries, are thrown together.

	FRANCE.	GREAT BRITAIN & IRELAND.
Tobacco.	Free of duty, but under monopoly.	1s. 3d. the lb.
Wood.	(a) Free.	Free.
Pot and pearl ash.	(a) Free.	Free.
Flax seed.	(a) Free.	Free.
	FRENCH AMERICA.	ENGLISH AMERICA.
Corn, Indian.	(c) 1 per cent.	Free, by proclamation.
Wood.	(c) 1 per cent.	Free, by proclamation.
Salted pork.	(c) Prohibited.	Prohibited.
Horses and mules.	(c) Free.	Free, by proclamation.
Live provisions.	(c) 1 per cent.	Free, by proclamation.
Tar, pitch, turpentine.	(c) 1 per cent.	Free, by proclamation.
Imports allowed.	Rum, molasses generally, sugar, and other commodities till August 1, 1794.	Rum, molasses, sugar, coffee, cocoa nuts, ginger, pimento, by proclamation.

NOTES.

(*a*) By *Arrêt* of December the 29th, 1787. (*b*) By *Arrêt* of 1763.

(*c*) By *Arrêt* of August the 30th, 1784. (*d*) By *Arrêt* of 1788.

(*e*) By *Arrêt* of 1760. (*f*) Taken from the Custom House returns of the United States.

(*g*) There is a general law of France prohibiting foreign flour in their islands, with a suspending power to their Governors, in cases of necessity. An *Arrêt* of May the 9th, 1789, by their Governor, makes it free till August, 1794: and in fact it is generally free there.

(*h*) The *Arrêt* of September the 18th, 1785, gave a premium of ten livres the kental, on fish brought in their own bottoms, for five years, so that the law expired September the 18th, 1790. Another *Arrêt*, passed a week after, laid a duty of five livres the kental, on fish brought in foreign vessels, to raise money for the premium before mentioned. The last *Arrêt* was not limited in time; yet seems to be understood as only commensurate with the other. Accordingly, an *Arrêt* of May the 9th, 1789, has made fish in foreign bottoms liable to three livres the kental only till August the 1st, 1794.

(*i*) The port-charges are estimated from bills collected from the merchants of Philadelphia. They are different in different ports of the same country, and different in the same ports on vessels of different sizes. Where I had several bills of the same ports, I averaged them together. The dollar is rated at 4s. 4 1-2d. sterling in England, at 6s. 8d. in the British West Indies, and five livres twelve sous in France, and at eight livres five sous in the French West Indies.

Several articles stated to be *free* in France, do in fact pay one eighth of a per cent., which was retained merely to oblige an entry to be made in their Custom House books. In like manner, several of the articles stated to be *free* in England, do in fact pay a light duty. The English duties are taken from the book of rates.

		Dollars.
(*k*) The exports to Great Britain and Ireland, are		6,888,978 50

How much they consume, I know not. They certainly re-export the following:

	Dollars.	
Grain, the whole since the law of the last parliament,	1,093,885	
Tobacco, five sixths, according to Sheffield's tables,	2,295,411	
Rice, five sevenths, according to same,	552,750	
Indigo, one third, according to same,	315,887	
Furs, probably one half,	17,950	
Ginseng, the whole,	32,424	
Mahogany, } not being of our productions should	16,724	
Wine, } also be deducted,	4,425	
		4,329,456
Remainder, including their consumption and the unknown re-exportations,		2,559,522

The exportations certainly known then, are five eighths of the whole.

LETTER XC.

TO THE PRESIDENT.

Philadelphia, January 4, 1792.

Sir,

Having been in conversation to-day with Monsieur Payan, one of the St. Domingo deputies, I took occasion to inquire of him the footing on which our commerce there stands at present, and particularly whether the colonial *Arrêt* of 1789, permitting a free importation of our flour till 1793, was still in force. He answered, that that *Arrêt* was revoked in France on the clamors of the merchants there; and with a like permission to carry flour to the three usual ports, and he thinks to bring away coffee and sugar, was immediately renewed by the Governor. Whether this has been regularly kept up by renewed *Arrêts*, during the present trouble, he cannot say, but is sure that in practice it has never been discontinued, and that not by contraband, but openly and legally, as is understood. The public application to us to send flour there, is a proof of it. Instead, therefore, of resting this permission on a colonial *Arrêt* till 1793, it should be rested on temporary *Arrêts* renewed from time to time, as heretofore. This correction of the notes I took the liberty of laying before you with the table containing a comparative view of our commerce with France and England, I thought it my duty to make.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER XCI.

TO THOMAS PINCKNEY.

Philadelphia, January 17, 1792.

Sir,

Your favors of November the 29th, 30th, and December the 1st, came duly to hand, and gave sincere pleasure, by announcing your disposition to accept the appointment to London. The nominations to Paris and the Hague having been detained till yours could be made, they were all immediately sent in to the Senate, to wit, yourself for London, Mr. G. Morris for Paris, Mr.

Short for the Hague. Some members of the Senate, apprehending they had a right of determining on the *expediency* of foreign missions, as well as on the *persons* named, took that occasion of bringing forward the discussion of that question, by which the nominations were delayed two or three weeks. I am happy to be able to assure you, that not a single personal motive with respect to yourself entered into the objections to these appointments. On the contrary, I believe that your nomination gave general satisfaction. Your commission will be immediately made out, but as the opportunities of conveyance at this season are precarious, and you propose coming to this place, I think it better to retain it.

As to the delay proposed in your letter, it was to be expected: indeed a winter passage from Charleston to this place, or across the Atlantic, is so disagreeable, that if either that circumstance or the arrangement of your affairs should render it in the smallest degree eligible to you to remain at home till the temperate season comes on, stay till after the vernal equinox; there will be no inconvenience to the public attending it. On the contrary, as we are just opening certain negotiations with the British minister here, which have not yet assumed any determinate complexion, a delay till that time will enable us to form some judgment of the issue they may take, and to know exactly in what way your co-operation at the place of your destination may aid us. On this and other accounts it will be highly useful that you take this place in your way, where, or at New York, you will always be sure of finding a convenient passage to England.

I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XCII.

TO MESSRS. WILLINKS, VAN STAPHORSTS, AND HUBARD.

Philadelphia, January 23, 1792.

GENTLEMEN,

On the 19th of March last, I had the honor to enclose you a bill for ninety-nine thousand florins, drawn on yourselves by the Treasurer of the United States, in favor of the Secretary of State, and I desired you to raise an account with the Secretary of State, and pass that bill to his credit in the account. In my letter of May the 14th, I enclosed you a duplicate of the same bill, and informed you that this money was destined to pay the salaries and contingent expenses of our ministers and agents of every description, from July the 1st, 1790, and nothing else; and I added these words; 'I must beg the favor of you, also, to make up your account to the close of the last day of June this present year, into which no expenses are to enter which preceded the 1st day of July, 1790, these being the dates of the appropriation of the law.' And lastly, in my letter of August the 5th, I enclosed a triplicate of the same bill, and added, 'In the mean time, I hope that your account of this fund, from July the 1st, 1790, to June the 30th, 1791, inclusive, is on its way to me, that I may receive it in time to lay before Congress at their meeting:' but in fact, I have neither received the account so much desired, nor even an acknowledgment of the receipt of any of the said letters or bills; and though Congress have been now sitting upwards of three months, I have it not in my power to lay before them a statement of the administration of this fund. When you consider the delicate situation of those entrusted with the disposal of public monies, and the express injunction under which I am laid by my office to submit this account to a proper and timely examination, I leave you to conceive what my sensations must be under the disability to do it, which the want of your account alone has brought on me; and I hope I shall soon be relieved by the receipt of it.

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I am, with great esteem, Gentlemen, your most obedient servant,
Th: Jefferson.

LETTER XCIII.

TO WILLIAM SHORT.

Philadelphia, January 23, 1792.

Dear Sir,

I have the pleasure to inform you, that the President of the United States has appointed you Minister Resident for the United States, at the Hague, which was approved by the Senate on the 16th instant. This new mark of the President's confidence will be the more pleasing to you, as it imports an approbation of your former conduct, whereon be pleased to accept my congratulations. You will receive herewith, a letter from myself to Monsieur de Montmorin, closing your former mission, your new commission, letters of credence from the President for the States General and

Stadtholder, sealed, and copies of them open for your own satisfaction. You will keep the cipher we have heretofore used.

Your past experience in the same line, renders it unnecessary for me to particularize your duties on closing your present, or conducting your future mission. Harmony with our friends being our object, you are sensible how much it will be promoted by attention to the manner as well as the matter of your communications with the government of the United Netherlands. I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce and the extension of its privileges, both in the United Netherlands and their colonies, but most especially the latter.

The allowance to a Minister Resident of the United States, is four thousand five hundred dollars a year, *for all his personal services and other expenses*, a year's salary for his outfit and a quarter's salary for his return. It is understood that *the personal services and other expenses* here meant, do not extend to the cost of gazettes and pamphlets transmitted to the Secretary of State's office, to translating or printing necessary papers, postage, couriers, and necessary aids to poor American sailors. These additional charges, therefore, may be inserted in your accounts; but no other of any description, unless where they are expressly directed to be incurred. The salary of your new grade being the same as of your former one, and your services continued, though the scene of them is changed, there will be no intermission of salary; the new one beginning where the former ends, and ending when you shall receive notice of your permission to return. For the same reason, there can be but one allowance of outfit and return, the former to take place now, the latter only on your final return. The funds appropriated to the support of the foreign establishment do not admit the allowance of a secretary to a Minister Resident. I have thought it best to state these things to you minutely, that you may be relieved from all doubt as to the matter of your accounts. I will beg leave to add a most earnest request, that on the 1st day of July next, and on the same day annually afterwards, you make out your account to that day, and send it by the first vessel, and by duplicates. In this I must be very urgent and particular; because at the meeting of the ensuing Congress always, it is expected that I prepare for them a statement of the disbursements from this fund, from July to June inclusive. I shall give orders, by the first opportunity, to our bankers in Amsterdam, to answer your drafts for the allowances herein before mentioned, recruiting them at the same time by an adequate remitment; as I expect that by the time you receive this, they will not have remaining on hand of this fund more than seven or eight thousand dollars.

You shall receive from me, from time to time, the laws and journals of Congress, gazettes, and other interesting papers: for whatever information is in possession of the public, I shall leave you generally to the gazettes, and only undertake to communicate by letter, such, relative to the business of your mission, as the gazetteers cannot give. From you I shall ask, once or twice a month regularly, a communication of interesting occurrences in Holland, of the general affairs of Europe, and the regular transmission of the Leyden gazette by every British packet, in the way it now comes, which proves to be very regular. Send also such other publications as may be important enough to be read by one who can spare little time to read any thing, or which may contain matter proper to be turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and by those packets I would wish always to receive a letter from you by way of corrective to the farrago of news they generally bring. Intermediate letters, secret communications, gazettes, and other printed papers, had better come by private vessels from Amsterdam; which channel I shall use generally for my letters, and always for gazettes and other printed papers.

The President has also joined you in a special and temporary commission with Mr. Carmichael to repair to Madrid, and there negotiate certain matters respecting the navigation of the Mississippi, and other points of common interest between Spain and us. As some time will be necessary to make out the instructions and transcripts necessary in this business, they can only be forwarded by some future occasion; but they shall be soon forwarded, as we wish not to lose a moment in advancing negotiations so essential to our peace. For this reason, I must urge you to repair to the Hague at the earliest day the settlement of your affairs at Paris will admit, that your reception may be over, and the idea of your being established there strengthened, before you receive the new orders.

I have the honor to be, with sincere respect and esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XCIV.

TO GOUVERNEUR MORRIS.

Philadelphia, January 23, 1792.

Dear Sir,

I have the pleasure to inform you, that the President of the United States has appointed you Minister Plenipotentiary for the United States, at the court of France, which was approved by the Senate on the 12th instant; on which be pleased to accept my congratulations. You will receive herewith your commission, a letter of credence for the King, sealed, and a copy of it open for your own satisfaction, as also a cipher, to be used on proper occasions in the correspondence between us.

To you, it would be more than unnecessary for me to undertake a general delineation of the functions of the office to which you are appointed. I shall therefore only express our desire, that they be constantly exercised in that spirit of sincere friendship and attachment which we bear to the French nation; and that in all transactions with the minister, his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their government, we are under no call to express opinions which might please or offend any party, and therefore it will be best to avoid them on all occasions, public or private. Could any circumstances require unavoidably such expressions, they would naturally be in conformity with the sentiments of the great mass of our countrymen, who, having first, in modern times, taken the ground of government founded on the will of the people, cannot but be delighted on seeing so distinguished and so esteemed a nation arrive on the same ground, and plant their standard by our side.

I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce and the extension of its privileges, both in France and her colonies, but most especially the latter. Our Consuls in France are under general instructions to correspond with the Minister of the United States at Paris; from them you may often receive interesting information. Joseph Fenwick is Consul at Bordeaux, and Burwell Carnes at Nantz; Monsieur de la Motte, Vice-Consul at Havre, and Monsieur Cathalan at Marseilles.

An act of Congress, of July the 1st, 1790, has limited the allowance of a Minster Plenipotentiary to nine thousand dollars a year, *for all his personal services and other expenses*, a year's salary for his outfit, and a quarter's salary for his return. It is understood that *the personal services and other expenses* here meant, do not extend to the cost of gazettes and pamphlets transmitted to the Secretary of State's office, to translating or printing necessary papers, postage, couriers, and necessary aids to poor American sailors. These additional charges, therefore, may be inserted in your accounts; but no other of any description, unless where they are expressly directed to be incurred. By an ancient rule of Congress, your salary will commence from the day you receive this letter, if you be then at Paris, or from the day you set out for Paris from any other place at which it may find you: it ceases on receiving notice or permission to return, after which the additional quarter's allowance takes place. You are free to name your own private secretary, who will receive from the public a salary of thirteen hundred and fifty dollars a year, without allowance for any *extras.* I have thought it best to state these things to you minutely, that you may be relieved from all doubt as to the matter of your accounts. I will beg leave to add a most earnest request, that on the 1st day of July next, and on the same day annually afterwards, you make out your account to that day, and send it by the first vessel, and by duplicates. In this I must be very urgent and particular, because at the meeting of the ensuing Congress always, it is expected that I prepare for them a statement of the disbursements from this fund, from July to June inclusive. I shall give orders by the first opportunity to our bankers in Amsterdam, to answer your drafts for the allowances herein before mentioned, recruiting them at the same time by an adequate remitment, as I expect that by the time you receive this, they will not have remaining on hand of this fund more than seven or eight thousand dollars.

You shall receive from me, from time to time, the laws and journals of Congress, gazettes, and other interesting papers: for whatever information is in possession of the public, I shall leave you generally to the gazettes, and only undertake to communicate by letter, such, relative to the business of your mission, as the gazettes cannot give.

From you I shall ask, once or twice a month regularly, a communication of interesting occurrences in France, of the general affairs of Europe, and transmission of the Leyden gazette, the *Journal Logographe*, and the best paper of Paris for their colonial affairs, with such other publications as may be important enough to be read by one who can spare little time to read any thing, or which may contain matter proper to be turned to on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and by those packets I would wish always to receive a letter from you by way of corrective to the farrago of news they generally bring. Intermediate letters, secret communications, gazettes, and other printed papers, had better come through the channel of Monsieur de la Motte at Havre, to whom I shall also generally address my letters to you, and always the gazettes and other printed papers.

Mr. Short will receive by the same conveyance, his appointment as Minister Resident at the Hague.

I have the honor to be, with great esteem and respect, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER XCV.

TO MR. HAMMOND.

Philadelphia, February 2, 1792.

SIR,

On the receipt of your letter of the 14th of December, I communicated it to the President of the United States, and under the sanction of his authority, the principal members of the executive department made it their duty to make known in conversations generally, the explicit disclaimer, in the name of your court, which you had been pleased to give us, that the government of Canada had supported or encouraged the hostilities of our Indian neighbors in the western country. Your favor of January the 30th, to the same purpose, has been, in like manner, communicated to the President, and I am authorized to assure you, that he is duly sensible of this additional proof of the disposition of the court of London to confine the proceedings of their officers in our vicinage within the limits of friendship and good neighborhood, and that a conduct so friendly and just will furnish us a motive the more for those duties and good offices which neighbor nations owe each other.

You have seen too much, Sir, of the conduct of the press in countries where it is free, to consider the gazettes as evidence of the sentiments of any part of the government : you have seen them bestow on the government itself, in all its parts, its full share of inculpation. Of the sentiments of our government on the subject of your letter, I cannot give you better evidence than the statement of the causes of the Indian war, made by the Secretary of War on the 26th of the last month, by order of the President, and inserted in the public papers. No interference on the part of your nation is therein stated among the causes of the war. I am happy however in the hope, that a due execution of the treaty will shortly silence those expressions of public feeling, by removing their cause.

I have the honor to be, with great respect and esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XCVI.

TO MR. HAMMOND.

Phildadelphia, February 25, 1792.

SIR,

I have now the honor to enclose you the answer of the Attorney General to a letter I wrote him on the subject of yours of the 18th instant.

It appears that the judges of the Supreme Court of the United States are open to the application of Mr. Pagan for a writ of error to revise his case. This writ is to be granted, indeed, or refused, at the discretion of the judge; but the discretion of the judge is governed by the rules of law: if these be in favor of Mr. Pagan's application, his case will be reviewed in the Supreme Court, and the decision against him corrected, if wrong; if these be against his application, he will then be at the end of the ordinary course of law, at which term alone it is usual for nations to take up the cause of an individual, and to inquire whether their judges have refused him justice. At present, therefore, I am not able to say more, than that the judges of the Supreme Court of the United States will receive Mr. Pagan's application for a writ of error to revise the judgment given against him by the inferior court, and that there can be no doubt they will do on that application what shall be right.

I have the honor to be, with the highest esteem, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XCVII.

TO MESSRS. JOHNSON, CARROL, AND STEWART.

Philadelphia, March 6, 1792.

GENTLEMEN,

It having been found impracticable to employ Major L'Enfant about the federal city, in that degree of subordination which was lawful and proper, he has been notified that his services are at an end. It is now proper that he should receive the reward of his past services; and the wish that he should have no just cause of discontent, suggests that it should be liberal. The President thinks of two thousand five hundred, or three thousand dollars; but leaves the determination to you. Ellicot is to go on, the week after the next, to finish laying off the plan on the ground, and surveying and platting the district. I have remonstrated with him on the excess of five dollars a day and his expenses, and he has proposed striking off the latter; but this also is left to you, and to make the allowance retrospective. He is fully apprized that he is entirely under your orders, and that there will be no person employed but under your orders. The enemies of this enterprise will take advantage of the retirement of L'Enfant, to trumpet an abortion of the whole. This will require double exertions, to be counteracted. I enclose you the project of a loan, which is agreed on, if you approve it. Your answer will be immediately expected, and it is kept entirely secret, till the subscriptions are actually opened. With this money, in aid of your other funds, the works may be pushed with such spirit as to evince to the world that they will not be relaxed.

The immediate employment of a superintendent, of activity and intelligence equal to the nature of his functions and the public expectations, becomes important. You will, doubtless, also consider it as necessary to advertise immediately for plans of the Capitol and President's house. The sketch of an advertisement for the plan of a Capitol, which Mr. Johnson had sent to the President, is now returned with some alterations, and one also for a President's house. Both of them are subject to your pleasure, and when accommodated to that, if you will return them, they shall be advertised here and elsewhere. The President thinks it of primary importance to press the providing as great quantities of brick, stone, lime, plank, timber, &c. this year as possible. It will occur to you that the stone should be got by a skilful hand. Knowing what will be your funds, you will be able to decide which of the following works had better be undertaken for the present year.

The cellars of both houses.

The foundation of one, or both.

Bridge over Rock Creek, and the post-road brought over it.

Canal.

Wharves.

The affair of Mr. Carrol of Duddington's house, seems to call for settlement. The President thinks the most just course would be, to rebuild the house in the same degree, using the same materials as far as they will go, and supplying what are destroyed or rendered unfit; so that the effect will be in fact, only the removal of the house within his lot, and in a position square with the streets. Do you not think it would be expedient to take measures for importing a number of Germans and Highlanders? This need not be to such an extent as to prevent the employment of eastern laborers, which is eligible for particular reasons. If you approve of the importation of Germans, and have a good channel for it, you will use it, of course. If you have no channel, I can help you to one. Though Roberdeau's conduct has been really blamable, yet we suppose the principal object of the arrest was to remove him off the ground. As the prosecution of him to judgment might give room to misrepresentation of the motives, perhaps you may think it not amiss to discontinue the proceedings. You will receive herewith a packet of papers, among which are several projects and estimates which have been given in by different persons, and which are handed on to you, not as by any means carrying with them any degree of approbation, but merely, that if you find any thing good in them, you may convert it to some account. Some of these contain the views of L'Enfant.

I have the honor to be, with the most perfect esteem and respect, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER XCVIII.

TO GOUVERNEUR MORRIS.

Philadelphia, March 10, 1792.

DEAR SIR,

My letter of January the 23rd, put under cover to Mr. Johnson in London, and sent by a passenger in the British packet of February, will have conveyed to you your appointment as Minister

Plenipotentiary of the United States, at the court of France. By the Pennsylvania, Captain Harding, bound to Havre de Grace, and plying pretty regularly between this place and that, you will receive the present letter, with the laws of the United States, journals of Congress, and gazettes to this day, addressed to the care of M. de la Motte. You will also receive a letter from the President to the King of France, in answer to his announcing the acceptance of the constitution, which came to hand only a week ago. A copy of this letter is sent for your own use. You will be pleased to deliver the sealed one (to the minister I presume, according to the ancient etiquette of the court), accompanying it with the assurances of friendship, which the occasion may permit you to express, and which are cordially felt by the President and the great body of our nation. We wish no occasion to be omitted of impressing the National Assembly with this truth. We had expected, ere this, that in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a treaty of commerce. An authentic copy of the recommendation was delivered, but nothing said about carrying it into effect. Perhaps they expect that we should declare our readiness to meet them on the gound of treaty. If they do, we have no hesitation to declare it. In the mean time, if the present communications produce any sensation, perhaps it may furnish a good occasion to endeavor to have matters re-placed *in statu quo*, by repealing the late innovations as to our ships, tobacco, and whale-oil. It is right that things should be on their ancient footing, at opening the treaty. M. Ternant has applied here for four hundred thousand dollars for the succor of the French colonies. The Secretary of the Treasury has reason to believe, that the late loan at Antwerp has paid up all our arrearages to France, both of principal and interest, and consequently, that there is no part of our debt exigible at this time. However, the legisluture having authorized the President to proceed in borrowing to pay off the residue, provided it can be done to the *advantage* of the United States, it is thought the law will be satisfied with *avoiding loss* to the United States. This has obliged the Secretary of the Treasury to require some conditions, which may remove from us that loss which we encountered, from an unfavorable exchange, to pay what was *exigible*, and transfer it to France as to payments not exigible. These shall be fully detailed to you when settled. In the mean time, the money will be furnished as far as it can be done. Indeed, our wishes are cordial for the re-establishment of peace and commerce in those colonies, and to give such proofs of our good faith both to them and the mother country, as to suppress all that jealousy which might oppose itself to the free exchange of *our mutual productions*, so essential to the prosperity of those colonies, and to the preservation of *our agricultural* interest. This is our true interest, and our true object, and we have no reason to conceal views so justifiable, though the expression of them may require that the occasions be proper and the terms chosen with delicacy. The gazettes will inform you of the proceedings of Congress, the laws passed and proposed, and generally speaking, of all public transactions. You will perceive that the Indian war calls for sensible exertions. It would have been a trifle had we only avowed enemies to contend with. The British court have disavowed all aid to the Indians. Whatever may have been their orders in that direction, the Indians are fully and notoriously supplied by their agents with every thing necessary to carry on the war. Time will show how all this is to end. Besides the laws, journals, and newspapers, before mentioned, you will receive herewith the State constitutions, the census, and almanac, and an answer to Lord Sheffield on our commerce. A cipher is ready for you, but cannot be sent till we can find a trusty passenger going to Paris.

I am, with great respect and esteem, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

Since writing the preceding, the two Houses have come to resolutions on the King's letter, which are enclosed in the President's, and copies of them accompany this for your use. T. J.

LETTER XCIX.

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, March 18, 1792.

GENTLEMEN,

The President having thought proper to appoint you joint commissioners plenipotentiary, on the part of the United States, to treat with the court of Madrid on the subjects of the navigation of the Mississippi, arrangements on our limits, and commerce, you will herewith receive your commission; as also observations on these several subjects, reported to the President and approved by him, which will therefore serve as instructions for you. These expressing minutely the sense of our government and what they wish to have done, it is unnecessary for me to do more here than desire you to pursue these objects unremittingly, and endeavor to bring them to an issue, in the course of the ensuing summer. It is desirable that you should keep an exact journal of what shall pass between yourselves and the court or their negotiator, and communicate it from time to time to me, that your progress and prospects may be known. You will be the best judges whether to send your letters by Lisbon, Cadiz, or what other route; but we shall be anxious to hear from you as often as possible. If no safe conveyance occurs from Madrid to Lisbon, and your matter should be of importance sufficient to justify the expense, a courier must be sent; but do not incur the expense, unless it be to answer some good end.

I have the honor to be, with great and sincere esteem, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER C.

TO COLONEL PICKERING.

Philadelphia, March 28, 1792.

SIR,

The President has desired me to confer with you on the proposition I made the other day, of endeavoring to move the posts at the rate of one hundred miles a day. It is believed to be practicable here, because it is practised in every other country. The difference of expense alone appeared to produce doubts with you on the subject. If you have no engagement for dinner to-day, and will do me the favor to come and dine with me, we will be entirely alone, and it will give us time to go over the matter and weigh it thoroughly. I will, in that case, ask the favor of you to furnish yourself with such notes as may ascertain the present expense of the posts, for one day in the week, to Boston and Richmond, and enable us to calculate the savings which may be made by availing ourselves of the stages. Be pleased to observe that the stages travel all the day. There seems nothing necessary for us then, but to hand the mail along through the night till it may fall in with another stage the next day, if motives of economy should oblige us to be thus attentive to small savings. If a little latitude of expense can be allowed, I should be for only using the stages the first day, and then have our riders. I am anxious that the thing should be begun by way of experiment, for a short distance, because I believe it will so increase the income of the post-office as to show we may go through with it. I shall hope to see you at three o'clock.

I am with great esteem, Sir, your most obedient, humble servant,

TH: JEFFERSON.

LETTER CI.

TO MR. HAMMOND.

Philadelphia, March 31, 1792.

SIR,

I received yesterday your favor of the day before, and immediately laid it before the President of the United States. I have it in charge from him to express to you the perfect satisfaction which these assurances on the part of your court have given him, that Bowles, who is the subject of them, is an unauthorized impostor. The promptitude of their disavowal of what their candor had forbidden him to credit, is a new proof of their friendly dispositions, and a fresh incitement to us to cherish corresponding sentiments. To these we are led both by interest and inclination, and I am authorized to assure you that no occasion will be omitted, on our part, of manifesting their sincerity.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CII.

TO GOVERNOR PINCKNEY.

Philadelphia, April 1, 1792.

SIR,

Your letter of January the 8th to the President of the United States having been referred to me, I have given the subject of it as mature consideration as I am able. Two neighboring and free governments, with laws equally mild and just, would find no difficulty in forming a convention for the interchange of fugitive criminals. Nor would two neighboring despotic gevernments, with laws of equal severity. The latter wish that no door should be opened to their subjects flying from the oppression of their laws. The fact is, that most of the governments on the continent of Europe have such conventions; but England, the only free one till lately, has never yet consented either to enter into a convention for this purpose, or to give up a fugitive. The difficulty between a free government and a despotic one is indeed great. I have the honor to enclose to your Excellency a sketch of the considerations which occurred to me on the subject, and which I laid before the President. He has, in consequence, instructed me to prepare a project of a convention, to be proposed to the court of Madrid, which I have acordingly done, and now enclose a copy of it. I wish it may appear to you satisfactory. Against property we may hope it would be effectual; whilst it leaves a door open to life and liberty except in a single unquestionable case. Messrs. Carmichael and Short will be instructed to make this one of the subjects of their negotiation with the court of Spain.

I have the honor to be, with sentiments of the most perfect esteem and respect, your Exellency's most obedient and most humble servant,

TH: JEFFERSON.

LETTER CIII.

TO COLONEL HUMPHREYS.

Philadelphia, April 9, 1792.

DEAR SIR,

My last to you were of the 29th of November and the 13th of December. I have now to acknowledge the receipt of your Nos. 34 to 44, inclusive. The river here and at New York having remained longer blocked with ice than has been usual, has occasioned a longer interval than usual between my letters. I have particularly to acknowledge, that Mr. Barclay's receipt of drafts from you on our bankers in Holland for thirty-two thousand one hundred and seventy-five florins has come safely to my hands, and is deposited in my office, where it will be to be found wrapped in the letter in which it came. You have been before informed of the failure of our arms against the Indians, the last year. General St. Clair has now resigned that command. We are raising our western force to five thousand men. The stock-jobbing speculations have occupied some of our countrymen to such a degree, as to give sincere uneasiness to those who would rather see their capitals employed in commerce, manufactures, buildings, and agriculture. The failure of Mr. Duer, the chief of that description of people, has already produced some other bankruptcies, and more are apprehended. He had obtained money from great numbers of small tradesmen and farmers, tempting them by usurious interest, which has made the distress very extensive. Congress will adjourn within a fortnight. The President negatived their representation bill, as framed on principles contrary to the constitution. I suppose another will be passed, allowing simply a representative for every thirty or thirty-three thousand, in each State. The troubles in the French island continue extreme; we have, as yet, heard of the arrival but of a few troops. There begins to be reason to apprehend, the negroes will perhaps never be entirely reduced. A commission has issued to Mr. Carmichael and Mr. Short, to treat with the court of Madrid on the subjects heretofore in negotiation between us. I suppose Mr. Short will be in Madrid by the last of May. We expect Major Pinckney here hourly, on his way to London, as our Minister Plenipotentiary to that court. For a state of our transactions in general, I refer you to the newspapers which accompany this. I put under your cover letters and newspapers for Mr. Carmichael and Mr. Barclay, which I pray you to contrive by some sure conveyances. We must make you, for some time, the common centre of our correspondence.

I am with great and sincere respect and esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CIV.

TO MR. HAMMOND.

Philadelphia, April 12, 1792.

SIR,

I am this moment favored with the letter you did me the honor of writing yesterday, covering the extract of a British statute forbidding the admission of foreign vessels into any ports of the British dominions, with goods or commodities of the growth, production, or manufacture of America. The effect of this appears to me so extensive, as to induce a doubt whether I understand rightly the determination to enforce it, which you notify, and to oblige me to ask of you whether we are to consider it as so far a revocation of the proclamation of your government, regulating the commerce between the two countries, and that henceforth no articles of the growth, production, or manufacture of the United States, are to be received in the ports of Great Britain or Ireland, in vessels belonging to the citizens of the United States.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CV.

The Secretary of State presents his compliments to Mr. Hammond, and encloses him the draught of a letter to the President of the United States, which he has prepared to accompany Mr. Hammond's communication of the 11th and letter of the 12th. The whole will probably be laid by the President before the legislature, and perhaps communicated to the public, in order to let the merchants know that they need not suspend their shipments, but to the islands of Jersey and Guernsey. Before sending the letter to the President, the Secretary of State has chosen to communicate it to Mr. Hammond in a friendly way, being desirous to know whether it meets his approbation, or whether he would wish any alterations in it.

April 13, 1792.

LETTER CVI.

TO THE PRESIDENT.

Philadelphia, April 13, 1792.

SIR,

I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Majesty, covering a clause of a statute of that country relative to its commerce with this, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the minister, as expressed in the letter and answer herein enclosed: and on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the islands of Jersey and Guernsey. The want of proportion between the motives expressed and the measure, its magnitude, and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that government to concur with this in mutual offices of friendship and good will, support his construction. The minister, moreover, assured me verbally, that he would immediately write to his court for an explanation, and, in the mean time, is of opinion that the usual intercourse of commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be, with sentiments of the most profound respect and attachment, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CVII.

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, April 24, 1792.

GENTLEMEN,

My letter of March the 18th conveyed to you full powers for treating with Spain on the subjects therein expressed. Since that, our attention has been drawn to the case of fugitive debtors and criminals, whereon it is always well that coterminous States should understand one another, as far as their ideas on the rightful powers of government can be made to go together. Where they separate, the cases may be left unprovided for. The enclosed paper, approved by the President, will explain to you how far we can go, in an agreement with Spain *for her territories bordering on us:* and the plan of a convention is there stated. You are desired to propose the matter to that court, and establish with them so much of it as they approve, filling up the blank for the manner of the demand by us and compliance by them, in such way, as their laws and the organization of their government may require. But recollect that they bound on us between two and three thousand miles, and consequently, that they should authorize a delivery by some description of officers to be found on every inhabited part of their border. We have thought it best to agree, specially, the manner of proceeding *in our country*, on a demand of theirs, because the convention will in that way execute itself, without the necessity of a new law for the purpose. Your general powers being comprehensive enough to take in this subject, no new ones are issued.

I have the honor to be, with great respect, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

[The annexed are the papers referred to in the preceding.]

Project of a Convention with the Spanish Provinces.

Any person having committed murder of malice prepense, not of the nature of treason, within the United States or the Spanish provinces adjoining thereto, and fleeing from the justice of the country, shall be delivered up by the government where he shall be found, to that from which he fled, whenever demanded by the same.

The manner of the demand by the Spanish government, and of the compliance by that of the United States, shall be as follows. The person authorized by the Spanish government, where the murder was committed, to pursue the fugitive, may apply to any justice of the Supreme Court of the United States, or to the district judge of the place where the fugitive is, exhibiting proof on oath that a murder has been committed by the said fugitive within the said government, who shall thereon issue his warrant to the marshal or deputy-marshal of the same place, to arrest the fugitive and have him before the said district judge; or the said pursuer may apply to such marshal or deputy-marshal directly, who on exhibition of proof as aforesaid, shall thereupon arrest the fugitive, and carry him before the said district judge; and when before him in either way, he shall, within not less than ——— days, nor more than ———, hold a special court of inquiry, causing a grand jury to be summoned thereto, and charging them to inquire whether the fugitive hath committed a murder, not of the nature of treason, within the province demanding him, and on their finding a true bill, the judge shall order the officer in whose custody the fugitive is, to deliver him over to the person authorized as aforesaid to receive him, and shall give such further authorities to aid the said person in safe-keeping and conveying the said fugitive to the limits of the United States, as shall be necessary and within his powers ; and his powers shall expressly extend to command the aid of *posse* of every district through which the said fugitive is to be carried. And the said justices, judges, and other officers, shall use in the premises the same process and proceedings, *mutatis mutandis*, and govern themselves by the same principles and rules of law, as in cases of murder committed on the high seas.

And the manner of demand by the United States and of compliance by the Spanish government shall be as follows. The person authorized by a justice of the Supreme Court of the United States, or by the district judge where the murder was committed, to pursue the fugitive, may apply to ———

Evidence on oath, though written and *ex parte*, shall have the same weight with the judge and grand jury in the preceding cases, as if the same had been given before them orally and in presence of the prisoner.

The courts of justice of the said States and provinces, shall be reciprocally open for the demand and recovery of debts due to any person inhabiting the one, from any person fled therefrom and found in the other, in like manner as they are open to their own citizens ; likewise, for the recovery of the property, or the value thereof, carried away from any person inhabiting the one, by any person fled therefrom and found in the other, which carrying away shall give a right of civil action, whether the fugitive came to the original possession lawfully or unlawfully, even feloniously ; likewise, for the recovery of damages sustained by any forgery committed by such fugitive. And the same provision shall hold in favor of the representatives of the original creditor or sufferer, and against the representatives of the original debtor, carrier away, or forger ; also, in favor of either government or of corporations, as of natural persons. But in no case shall the person of the defendant be imprisoned for the debt, though the process, whether original, mesne, or final, be for the form sake directed against his person. If the time between the flight and the commencement of the action exceed not —— years, it shall be counted but as one day under any act of limitations.

This convention shall continue in force ——— years, from the exchange of ratifications, and shall not extend to any thing happening previous to such exchange.

Heads of consideration on the establishment of conventions between the United States and their neighbors, for the mutual delivery of fugitives from justice.

Has a nation a right to punish a person who has not offended itself? Writers on the law of nature agree that it has not. That, on the contrary, exiles and fugitives are, to it, as other strangers, and have a right of residence, unless their presence would be noxious; e. g. infectious persons. One writer extends the exception to atrocious criminals, too imminently dangerous to society; namely, to pirates, murderers, and incendiaries. Vattel, L. 1. 5. 233.

The punishment of *piracy*, being provided for by our laws, need not be so by convention.

Murder. Agreed that this is one of the extreme crimes justifying a denial of habitation, arrest, and re-delivery. It should be carefully restrained by definition to homicide of *malice prepense, and not of the nature of treason.*

Incendiaries, or those guilty of *arson*. This crime is so rare as not to call for extraordinary provision by a convention. The only *rightful* subject then of arrest and delivery, for which we have *need*, is *murder*. Ought we to wish to strain the natural right of arresting and re-delivering fugitives to other cases?

The punishment of all real crimes is certainly desirable, as a security to society; the security is greater in proportion as the chances of avoiding punishment are less. But does the fugitive from his country avoid punishment? He incurs exile, not voluntary, but under a moral necessity as strong as physical. Exile, in some countries, has been the highest punishment allowed by the laws. To most minds it is *next to death;* to many *beyond it.* The fugitive indeed is not of the latter; he must estimate it somewhat *less than death.* It may be said that to *some*, as foreigners, it is no punishment.

Answer. These cases are few. Laws are to be made for the mass of cases.

The object of a convention then, in other cases, would be, that the fugitive might not avoid the *difference between exile and the legal punishment of the case.* Now in what case would this *difference* be so important, as to overweigh even the single inconvenience of multiplying compacts?

1. *Treason.* This, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the *government* and acts against the *oppressions of the government:* the latter are virtues; yet have furnished more vic-

tims to the executioner than the former; because real treasons are rare, oppressions frequent. The unsuccessful strugglers against tyranny have been the chief martyrs of treason-laws in all countries.

Reformation of government with *our* neighbors, being as much wanted now as reformation of religion is, or ever was any where, we should not wish then, to give up to the executioner, the patriot who fails, and flees to us. Treasons then, taking the *simulated* with the *real*, are sufficiently punished by exile.

2. Crimes against *property;* the punishment in most countries, immensely disproportionate to the crime.

In England, and probably in Canada, to steal a horse is death, the first offence; to steal above the value of twelve pence is death, the second offence. All *excess* of punishment is a crime. To remit a fugitive to excessive punishment is to be accessary to the crime. Ought we to wish for the obligation, or the right to do it? Better, on the whole, to consider these crimes as sufficiently punished by the exile.

There is one crime, however, against property, pressed by its consequences into more particular notice, to wit;

Forgery, whether of *coin* or *paper;* and whether paper of *public* or *private* obligation. But the fugitive for forgery is punished by exile and confiscation of the property he leaves: to which add by convention, a civil action against the property he carries or acquires, to the amount of the special damage done by his forgery.

The *carrying away* of the property of another, may also be reasonably made to found a *civil* action. A convention then may include forgery and the carrying away the property of others, under the head of,

3. *Flight from debts.*

To remit the fugitive in this case, would be to remit him in every case. For in the present state of things, it is next to impossible not to owe something. But I see neither injustice nor inconvenience in permitting the fugitive to be sued in our courts. The laws of some countries punishing the unfortunate debtor by perpetual imprisonment, he is right to liberate himself by flight, and it would be wrong to re-imprison him in the country to which he flies. Let all process, therefore, be confined to his property.

Murder, not amounting to treason, being the only case in which the fugitive is to be delivered;

On what *evidence*, and *by whom*, shall he be delivered?

In this country let any justice of the Supreme Court of the United States, or other judge of the district where the fugitive is found, use the same proceedings as for a murder committed on the high seas, until the *finding* of the '*true bill*' by the grand jury; but evidence on oath from the country demanding him, though in *writing* and *ex parte*, should have the same effect as if delivered *orally* at the *examination*.

A true bill being found by the grand jury, let the officer in whose custody the fugitive is, deliver him to the person charged to demand and receive him.

In the British provinces adjoining us, the same proceedings will do.

In the Spanish provinces, a proceeding adapted to the course of their laws should be agreed on.

March 22, 1792.

LETTER CVIII.

TO GOUVERNEUR MORRIS.

Philadelphia, April 28, 1792.

Dear Sir,

My last letter to you was of the 10th of March. The preceding one of January the 23rd had conveyed to you your appointment as Minister Plenipotentiary to the court of France. The present will, I hope, find you there. I now enclose you the correspondence between the Secretary of the Treasury and Minister of France, on the subject of the monies furnished to the distressed of their colonies. You will perceive that the Minister chose to leave the adjustment of the terms to be settled at Paris, between yourself and the King's ministers. This you will therefore be pleased to do on this principle; that we wish to avoid any loss by the mode of payment, but would not choose to make a gain which should throw loss on them. But the letters of the Secretary of the Treasury will sufficiently explain the desire of the government, and be a sufficient guide to you.

I now enclose you the act passed by Congress for facilitating the execution of the consular convention with France. In a bill which has passed the House of Representatives for raising monies for the support of the Indian war, while the duties on every other species of wine are raised from one to three fourths more than they were, the best wines of France will pay little more than the worst of any other country, to wit, between six and seven cents a bottle; and where this exceeds forty per cent. on their cost, they will pay but the forty per cent. I consider this latter provision as likely to introduce in abundance the cheaper wines of France, and the more so, as the tax on ardent spirits is considerably raised. I hope that these manifestations of friendly dispositions towards that country, will induce them to repeal the very obnoxious laws respecting our commerce, which were passed by the preceding National Assembly. The present session of Congress will pass over, without any other notice of them than the friendly preferences before mentioned. But if these should not produce a retaliation of good on their part, a retaliation of evil must follow on ours. It will be impossible to defer longer than the next session of Congress, some counter regulations for the protection of our navigation and commerce. I must entreat you, therefore, to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation, from considerations suggested by the nature of our government which will readily occur to you. Congress will rise on this day se'nnight. I enclose you a letter from Mrs. Greene, who asks your aid in getting her son forwarded by the Diligence to London, on his way to America. The letter will explain to you the mode and the means, and the parentage and genius of the young gentleman will insure your aid to him. As this goes by the French packet, I send no newspapers, laws, or other articles of that kind, the postage of which would be high.

I am with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CIX.

CIRCULAR TO THE AMERICAN CONSULS.

Philadelphia, May 31, 1792.

SIR,

Congress having closed their session on the 8th instant, I have now the honor to forward you a copy of the laws passed thereat. One of these, chapter twenty-four, will require your particular attention, as it contains such regulations relative to the consular office, as it has been thought proper to establish legislatively.

With respect to the security required by the sixth section, I would prefer persons residing within the United States, where the party can procure such to be his security. In this case, his own bond duly executed may be sent to me, and his sureties here may enter into a separate bond. Where the party cannot conveniently find sureties within the United States, my distance, and want of means of knowing their sufficiency, oblige me to refer him to the Minister or *Chargé des Affaires* of the United States, within the same government, if there be one, and if not, then to the Minister of the United States, resident at Paris. The securities which they shall approve, will be admitted as good. In like manner, the account for their disbursements, authorized by this law (and no other can be allowed) are to be settled at stated periods with the Minister or *Chargé* within their residence, if there be one ; if none, then with the Minister of the United States, at Paris. The person who settles the account is authorized to pay it. Our Consuls in America are not meant to be included in these directions as to securityship and the settlement of their accounts, as their situation gives them a more convenient communication with me. It is also recommended to the Consuls to keep an ordinary correspondence with the Minister or *Chargé* to whom they are thus referred ; but it would be also useful, if they could forward directly to me, from time to time, the prices current of their place, and any other circumstances which it might be interesting to make known to our merchants without delay.

The prices of our funds have undergone some variations within the last three months. The six per cents were pushed by gambling adventures up to twenty-six and a half, or twenty-seven and a half shillings the pound. A bankruptcy having taken place among these, and considerably affected the more respectable part of the paper holders, a greater quantity of paper was thrown suddenly on the market than there was demand or money to take up. The prices fell to nineteen shillings. This crisis has passed, and they are getting up towards their value. Though the price of public paper is considered as the barometer of the public credit, it is truly so only as to the general average of prices. The real credit of the United States depends on their ability, and the immutability of their will, to pay their debts. These were as evident when their paper fell to nineteen shillings, as when it was at twenty-seven shillings. The momentary variation was like that in the price of corn, or any other commodity, the result of a momentary disproportion between the demand and supply.

The unsuccessful issue of our expedition against the savages the last year, is not unknown to you. More adequate preparations are making for the present year, and, in the mean time, some of the tribes have accepted peace, and others have expressed a readiness to do the same.

Another plentiful year has been added to those which had preceded it, and the present bids fair to be equally so. A prosperity built on the basis of agriculture is that which is most desirable to us, because to the efforts of labor it adds the efforts of a greater proportion of soil. The checks, however, which the commercial regulations of Europe have given to the sale of our produce, have produced a very considerable degree of domestic manufacture, which, so far as it is of the household kind, will doubtless continue, and so far as it is more public, will depend on the continuance or discontinuance of the European policy.

I am, with great esteem, Sir, your most obedient, humble servant,

Th: Jefferson.

LETTER CX.

TO JOHN PAUL JONES.

Philadelphia, June 1, 1792.

Sir,

The President of the United States having thought proper to appoint you commissioner for treating with the Dey and government of Algiers, on the subjects of peace and ransom of our captives, I have the honor to enclose you the commissions, of which Mr. Thomas Pinckney, now on his way to London as our Minister Plenipotentiary there, will be the bearer. Supposing that there exists a disposition to thwart our negotiations with the Algerines, and that this would be very practicable, we have thought it advisable that the knowledge of this appointment should rest with the President, Mr. Pinckney, and myself; for which reason you will perceive, that the commissions are all in my own hand-writing. For the same reason, entire secrecy is recommended to you, and that you so cover from the public your departure and destination, as that they may not be conjectured or noticed; and at the same time, that you set out after as short delay as your affairs will possibly permit.

In order to enable you to enter on this business with full information, it will be necessary to give you a history of what has passed.

On the 25th of July, 1785, the schooner Maria, Captain Stevens, belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincent's, by an Algerine cruiser; and five days afterwards, the ship Dauphin, Captain O'Bryan, belonging to Messrs. Irwins of Philadelphia, was taken by another, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews, twenty-one persons in number, were carried into Algiers. Mr. John Lambe, appointed agent for treating of peace between the United States and the government of Algiers, was ready to set out from France on that business, when Mr. Adams and myself heard of these two captures. The ransom of prisoners being a case not existing when our powers were prepared, no provision had been made for it. We thought, however, we ought to endeavor to ransom our countrymen, without waiting for orders; but at the same time, that acting without authority, we should keep within the lowest price which had been given by any other nation. We therefore gave a supplementary instruction to Mr. Lambe to ransom our captives, if it could be done for two hundred dollars a man, as we knew that three hundred French captives had been just ransomed by the Mathurins, at a price very little above this sum. He proceeded to Algiers; but his mission proved fruitless. He wrote us word from thence, that the Dey asked fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and that it was not probable he would abate much from that price. But he never intimated an idea of agreeing to give it. As he has never settled the accounts of his mission, no further information has been received. It has been said that he entered into a positive stipulation with the Dey, to pay for the prisoners the price above mentioned, or something near it; and that he came away with an assurance to return with the money. We cannot believe the fact true: and if it were, we disavow it totally, as far beyond his powers. We have never disavowed it formally, because it has never come to our knowledge with any degree of certainty.

In February, 1787, I wrote to Congress to ask leave to employ the Mathurins of France in ransoming our captives; and on the 19th of September, I received their orders to do so, and to call for the money from our bankers at Amsterdam, as soon as it could be furnished. It was long before they could furnish the money, and as soon as they notified that they could, the business was put into train by the General of the Mathurins, not with the appearance of acting for the United States, or with their knowledge, but merely on the usual ground of charity. This expedient was rendered abortive by the revolution of France, the derangement of ecclesiastical orders there, and the revocation of church property, before any proposition, perhaps, had been made in form by the Mathurins to the Dey of Algiers. I have some reason to believe that Mr. Eustace, while in Spain, endeavored to engage the court of Spain to employ their Mathurins in this business; but whether they actually moved in it or not, I have never learned.

We have also been told, that a Mr. Simpson of Gibraltar, by the direction of the Messrs. Bulkeleys of Lisbon, contracted for the ransom of our prisoners (then reduced by death and ransom to fourteen) at thirty-four thousand seven hundred and ninety-two dollars. By whose orders they did it, we could never learn. I have suspected it was some association in London, which, finding the prices far above their conception, did not go through with their purpose, which probably had been merely a philanthropic one. Be this as it may, it was without our authority or knowledge.

Again Mr. Cathalan, our Consul at Marseilles, without any instruction from the government, and actuated merely, as we presume, by willingness to do something agreeable, set on foot another negotiation for their redemption; which ended in nothing.

These several volunteer interferences, though undertaken with good intentions, run directly counter to our plan; which was, to avoid the appearance of any purpose on our part ever to ransom our captives, and by that semblance of neglect, to reduce the demands of the Algerines to such a price, as might make it hereafter less their interest to pursue our citizens than any others. On the contrary, they have supposed all these propositions directly or indirectly came from us; they inferred from thence the greatest anxiety on our part, where we had been endeavoring to make them suppose there was none; kept up their demands for our captives at the highest prices ever paid by any nation; and thus these charitable, though unauthorized interpositions, have had the double effect of strengthening the chains they were meant to break, and making us at last set a much higher rate of ransom for our citizens, present and future, than we probably should have obtained, if we had been left alone to do our own work in our own way. Thus stands this business then at present. A formal bargain, as I am informed, being registered in the books of the former Dey, on the part of the Bulkeleys of Lisbon, which they suppose to be obligatory on us, but which is to be utterly disavowed, as having never been authorized by us, nor its source even known to us.

In 1790, this subject was laid before Congress fully, and at the late session, monies have been provided, and authority given to proceed to the ransom of our captive citizens at Algiers, provided it shall not exceed a given sum, and provided also, a peace shall be previously negotiated within certain limits of expense. And in consequence of these proceedings, your mission has been decided on by the President.

Since, then, no *ransom* is to take place without a *peace*, you will of course take up first the negotiation of peace; or, if you find it better that peace and ransom should be treated of together, you will take care that no agreement for the latter be concluded, unless the former be established before or in the same instant.

As to the conditions, it is understood that no peace can be made with that government, but for a larger sum of money to be paid at once for the whole time of its duration, or for a smaller one to be annually paid. The former plan we entirely refuse, and adopt the latter. We have also understood that peace might be bought cheaper with naval stores than with money: but we will not furnish them naval stores, because we think it not right to furnish them means which we know they will employ to do wrong, and because there might be no economy in it as to ourselves, in the end, as it would increase the expenses of that coercion which we may in future be obliged to practise towards them. The only question then, is, What sum of *money* will we agree to pay them *annually*, for peace? By a letter from Captain O'Bryan, a copy of which you will receive herewith, we have his opinion that a peace could be purchased with *money*, for sixty thousand pounds sterling, or with *naval stores*, for one hundred thousand dollars. An annual payment equivalent to the first, would be three thousand pounds sterling, or thirteen thousand and five hundred dollars, the interest of the sum in gross. If we could obtain it for as small a sum as the second, in *money*, the annual payment equivalent to it would be five thousand dollars. In another part of the same letter, Captain O'Bryan says, 'If maritime stores and two light cruisers be given, and a tribute paid in maritime stores every two years, amounting to twelve thousand dollars in America,' a peace can be had. The gift of stores and cruisers here supposed, converted into an annual equivalent, may be stated at nine thousand dollars, and adding to it half the biennial sum, would make fifteen thousand dollars, to be annually paid. You will, of course, use your best endeavors to get it at the lowest sum practicable; whereupon I shall only say, that we should be pleased with ten thousand dollars, contented with fifteen thousand, think twenty thousand a very hard bargain, yet go as far as twenty-five thousand, if it be impossible to get it for less; but not a copper further, this being fixed by law as the utmost limit. These are meant as annual sums. If you can put off the first annual payment to the end of the first year, you may employ any sum not exceeding that, in presents to be paid down; but if the first payment is to be made in hand, that and the presents cannot by law exceed twenty-five thousand dollars.

And here we meet a difficulty, arising from the small degree of information we have respecting the Barbary States. Tunis is said to be tributary to Algiers. But whether the effect of this be, that peace being made with Algiers, is of course with the Tunisians without separate treaty, or separate price, is what we know not. If it be possible to have it placed on this footing, so much the better. In any event, it will be necessary to stipulate with Algiers, that her influence be interposed as strongly as possible with Tunis, whenever we shall proceed to treat with the latter; which cannot be till information of the event of your negotiation, and another session of Congress.

As to the articles and form of the treaty in general, our treaty with Morocco was so well digested that I enclose you a copy of that, to be the model with Algiers, as nearly as it can be obtained, only inserting the clause with respect to Tunis.

The ransom of the captives is next to be considered. They are now thirteen in number; to wit, Richard O'Bryan and Isaac Stevens, captains, Andrew Montgomery and Alexander Forsyth, mates, Jacob Tessanier, a French passenger, William Patterson, Philip Sloan, Peleg Lorin, James Hall, James Cathcart, George Smith, John Gregory, James Hermit, seamen. It has been a fixed principle with Congress, to establish the rate of ransom of American captives with the Barbary States at as low a point as possible, that it may not be the interest of those States to go in quest of our citizens in preference to those of other countries. Had it not been for the danger it would have brought on the residue of our seamen, by exciting the cupidity of those rovers against them, our citizens now in Algiers would have been long ago redeemed, without regard to price. The mere money for this particular redemption neither has been, nor is, an object with any body here. It is from the same regard to the safety of our seamen at large, that they have now restrained us from any ransom unaccompanied with peace. This being secured, we are led to consent to terms of ransom, to which, otherwise, our government never would have consented; that is to say, to the terms stated by Captain O'Bryan in the following passage of the same letter. 'By giving the minister of the marine (the present Dey's favorite) the sum of one thousand sequins, I would stake my life that we would be ransomed for thirteen thousand sequins, and all expenses included.' Extravagant as this sum is, we will, under the security of peace in future, go so far; not doubting, at the same time, that you will obtain it as much lower as possible, and not indeed without a hope that a lower ransom will be practicable, from the assurances given us in other letters from Captain O'Bryan, that prices are likely to be abated by the present Dey, and particularly with us, towards whom he has been represented as well disposed. You will consider this sum, therefore, say twenty-seven thousand dollars, as your ultimate limit, including ransom, duties, and gratifications of every kind.

As soon as the ransom is completed, you will be pleased to have the captives well clothed and sent home at the expense of the United States, with as much economy as will consist with their reasonable comfort. It is thought best, that Mr. Pinckney, our Minister at London, should be the confidential channel of communication between us. He is enabled to answer your drafts for money within the limits before expressed; and as this will be by re-drawing on Amsterdam, you must settle with him the number of days *after sight*, at which your bills shall be payable in London, so as to give him time, in the mean while, to draw the money from Amsterdam.

We shall be anxious to know, as soon and as often as possible, your prospects in these negotiations. You will receive herewith a cipher, which will enable you to make them with safety. London and Lisbon (where Colonel Humphreys will forward my letters) will be the safest and best ports of communication. I also enclose two separate commissions, for the objects of peace and ransom. To these is added a commission to you as Consul for the United States, at Algiers, on the possibility that it might be useful for you to remain there till the ratification of the treaties shall be returned from hence; though you are not to delay till their return the sending the captives home, nor the necessary payments of money within the limits before prescribed. Should you be willing to remain there, even after the completion of the business, as Consul for the United States, you will be free to do so, giving me notice, that no other nomination may be made. These commissions, being issued during the recess of the Senate, are in force, by the constitution, only till the next session of the Senate. But their renewal then is so much a matter of course and of necessity, that you may consider that as certain, and proceed without interruption. I have not mentioned this in the commissions, because it is in all cases surplusage, and because it might be difficult of explanation to those to whom you are addressed.

The allowance for all your expenses and time (exclusive of the ransom, price of peace, duties, presents, maintenance, and transportation of the captives) is at the rate of two thousand dollars a year, to commence from the day on which you shall set out for Algiers, from whatever place you may take your departure. The particular objects of peace and ransom once out of the way, the two thousand dollars annually are to go in satisfaction of time, services, and expenses of every kind, whether you act as Consul or Commissioner.

As the duration of this peace cannot be counted on with certainty, and we look forward to the necessity of coercion by cruises on their coast, to be kept up during the whole of their cruising season, you will be pleased to inform yourself, as minutely as possible, of every circumstance which may influence or guide us in undertaking and conducting such an operation, making your communications by safe opportunities.

I must recommend to your particular notice Captain O'Bryan, one of the captives, from whom we have received a great deal of useful information. The zeal which he has displayed under the trying circumstances of his present situation, has been very distinguished. You will find him intimately acquainted with the manner in which, and characters with whom, business is to be done there, and perhaps he may be an useful instrument to you, especially in the outset of your undertaking, which will require the utmost caution and the best information. He will be able to give you the characters of the European Consuls there, though you will, probably, not think it prudent to repose confidence in any of them.

Should you be able successfully to accomplish the objects of your mission in time to convey notice of it to us as early as possible during the next session of Congress, which meets in the beginning of November and rises the 4th of March, it would have a very pleasing effect.

I am, with great esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXI.

TO MR. PINCKNEY.

Philadelphia, June 11, 1792.

DEAR SIR,

I have already had the honor of delivering to you your commission as Minister Plenipotentiary of the United States at the court of London, and have now that of enclosing your letter of credence to the King, sealed, and a copy of it open for your own information. Mr. Adams, your predecessor, seemed to understand, on his being presented to that court, that a letter was expected for the Queen also. You will be pleased to inform yourself whether the custom of that court requires this from us; and to enable you to comply with it, if it should, I enclose a letter sealed for the Queen, and a copy of it open for your own information. Should its delivery not be requisite you will be so good as to return it, as we do not wish to set a precedent which may bind us hereafter to a single unnecessary ceremony. To you, Sir, it will be unnecessary to undertake a general delineation of the duties of the office to which you are appointed. I shall therefore only express a desire that they be constantly exercised in that spirit of sincere friendship which we bear to the English nation, and that in all transactions with the minister, his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their government, or policy, as concerning themselves or other nations, we wish not to intermeddle in word or deed, and that it be not understood that our government permits itself to entertain either a will or an opinion on the subject.

I particularly recommend to you, as the most important of your charges, the patronage of our commerce, and its liberation from embarrassments in all the British dominions; but most especially in the West Indies. Our Consuls in Great Britain and Ireland are under general instructions to correspond with you, as you will perceive by the copy of a circular letter lately written to them, and now enclosed. From them you may often receive interesting information. Mr. Joshua Johnson is Consul for us at London, James Maury, at Liverpool, Elias Vanderhorst, at Bristol, Thomas Auldjo, Vice-Consul at Pool (resident at Cowes), and William Knox, Consul at Dublin. The jurisdiction of each is exclusive and independent, and extends to all places within the same allegiance nearer to him than to the residence of any other Consul or Vice-Consul of the United States. The settlement of their accounts from time to time, and the payment of them, are referred to you, and in this, the act respecting Consuls and any other laws made, or to be made, are to be your guide. Charges which these do not authorize, you will be pleased not to allow. These accounts are to be settled up to the first day of July in every year and to be transmitted to the Secretary of State.

The peculiar custom in England, of impressing seamen on every appearance of war, will occasionally expose our seamen to peculiar oppressions and vexations. These will require your most active exertions and protection, which we know cannot be effectual without incurring considerable expense; and as no law has as yet provided for this, we think it fairer to take the risk of it on the executive than to leave it on your shoulders. You will, therefore, with all due economy, and on the best vouchers the nature of the case will admit, meet those expenses, transmitting an account of them to the Secretary of State, to be communicated to the legislature. It will be expedient that you take proper opportunities in the mean time, of conferring with the minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him, which was, that our seamen should always carry about them certificates of their citizenship. This is a condition never yet submitted to by any nation, one with which seamen would never have the precaution to comply; the casualties of their calling would expose them to the constant destruction or loss of this paper evidence, and thus, the British government would be armed with *legal authority* to impress the whole of our seamen. The simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impress-gangs, the number of men to be protected by a vessel may be limited by her tonnage, and one or two officers only be permitted to enter the vessel in order to examine the numbers on board; but no press-gang should be allowed ever to go on board an American vessel, till after it shall be found that there are more than their stipulated number on board, nor till after the master shall have refused to deliver the supernumeraries (to be named by himself) to the press-officer who has come on board for that purpose; and, even then, the American Consul should be called in. In order to urge a settlement of this point, before a new occasion may arise, it may not be amiss to draw their attention to the peculiar irritation excited on the last occasion, and the difficulty of avoiding our making immediate reprisals on their seamen here. You will be so good as to communicate to me what shall pass on this subject, and it may be made an article of convention, to be entered into either there or here.

You will receive herewith a copy of the journals of the antient Congress, and of the laws, journals, and reports of the present. Those for the future, with gazettes and other interesting papers, shall be sent you from time to time; and I shall leave you generally to the gazettes, for whatever information is in possession of the public, and shall especially undertake to communicate by letter, such only relative to the business of your mission as the gazetteers cannot give. From you I ask, once or twice a month, a communication of interesting occurrences in England, of the general affairs of Europe, the court gazette, the best paper in the interest of the ministry, and the best of the opposition party, most particularly, that one of each which shall give the best account of the debates of parliament, the parliamentary register annually, and such other political publications as may be important enough to be read by one who can spare little time to read any thing, or which may contain matter proper to be kept and turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and intermediate occasions by private vessels may be resorted to for secret communications, and for such as would come too expensively burthened with postage, by the packets. You are furnished with a cipher for greater secrecy of communication. To the papers before mentioned, I must desire you to add the Leyden gazette, paper by paper as it comes out, by the first vessel sailing after its receipt.

I enclose you the papers in the case of a Mr. Wilson, ruined by the capture of his vessels after the term limited by the armistice. They will inform you of the circumstances of his case, and where you may find him personally, and I recommend his case to your particular representations to the British court. It is possible that other similar cases may be transmitted to you. You have already received some letters of Mr. Adams's explanations of the principles of the armistice, and of what had passed between him and the British minister on the subject.

Mr. Greene of Rhode Island will deliver you his papers, and I am to desire that you may patronize his claims so far as shall be just and right, leaving to himself and his agent to follow up the minute details of solicitation, and coming forward yourself only when there shall be proper occasion for you to do so in the name of your nation.

Mr. Cutting has a claim against the government, vouchers for which he is to procure from England. As you are acquainted with the circumstances of it, I have only to desire that you will satisfy yourself as to any facts relative thereto, the evidence of which cannot be transmitted, and that you will communicate the same to me, that justice may be done between the public and the claimant.

We shall have occasion to ask your assistance in procuring a workman or two for our mint; but this shall be the subject of a separate letter, after I shall have received more particular explanations from the director of the mint.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXII.

TO THOMAS PINCKNEY.

Philadelphia, June 11, 1792.

SIR,

The letter I have addressed to Admiral Jones, of which you have had the perusal, has informed you of the mission with which the President has thought proper to charge him at Algiers, and how far your agency is desired for conveying to him the several papers, for receiving and paying his drafts to the amount therein permitted, by re-drawing yourself on our bankers in Amsterdam, who are instructed to honor your bills, and by acting as a channel of correspondence between us. It has been some time, however, since we have heard of Admiral Jones. Should any accident have happened to his life, or should you be unable to learn where he is, or should distance, refusal to act, or any other circumstance deprive us of his services on this occasion, or be likely to produce too great a delay, of which you are to be the judge, you will then be pleased to send all the papers confided to you for him, to Mr. Thomas Barclay, our Consul at Morocco, with the letter addressed to him, which is delivered you open, and by which you will perceive that he is, in that event, substituted to every intent and purpose in the place of Admiral Jones. You will be pleased not to pass any of the papers confided to you on this business, through any post-office.

I have the honor to be, with great and sincere esteem, Sir, your most obedient, humble servant,

TH: JEFFERSON.

LETTER CXIII.

TO MR. PINCKNEY.

Philadelphia, June 14, 1792.

Sir,

The United States being now about to establish a mint, it becomes necessary to ask your assistance in procuring persons to carry on some parts of it; and to enable you to give it, you must be apprized of some facts.

Congress, some time ago, authorized the President to take measures for procuring some artists from any place where they were to be had. It was known that a Mr. Drost, a Swiss, had made an improvement in the method of coining, and some specimens of his coinage were exhibited here, which were superior to any thing we had ever seen. Mr. Short was therefore authorized to engage Drost to come over, to erect the proper machinery, and instruct persons to go on with the coinage; and as he supposed this would require but about a year, we agreed to give him a thousand louis a year and his expenses. The agreement was made, two coining mills, or screws, were ordered by him; but in the end he declined coming. We have reason to believe he was drawn off by the English East India Company, and that he is now at work for them in England. Mr. Bolton had also made a proposition to coin for us in England, which was declined. Since this, the act has been passed for establishing our mint, which authorizes, among other things, the employment of an assayer at fifteen hundred dollars a year, a chief coiner at the same, and an engraver at twelve hundred dollars. But it admits of the employment of one person, both as engraver and chief coiner; this we expect may be done, as we presume that any engraver who has been used to work for a coinage, must be well enough acquainted with all the operations of coinage to direct them; and it is an economy worth attention, if we can have the services performed by one officer instead of two, in which case, it is proposed to give him the salary of the chief coiner, that is to say, fifteen hundred dollars a year. I have therefore to request that you will endeavor, on your arrival in Europe, to engage and send us an assayer of approved skill and well attested integrity, and a chief coiner and engraver, in one person, if possible, acquainted with all the improvements in coining, and particularly those of Drost and Bolton. Their salaries may commence from the day of their sailing for America. If Drost be in England, I think he will feel himself under some obligation to aid you in procuring persons. How far Bolton will do it, seems uncertain. You will doubtless make what you can of the good dispositions of either of these or any other person. Should you find it impracticable to procure an engraver capable of performing the functions of chief coiner also, we must be content that you engage separate characters. Let these persons bring with them all the implements necessary for carrying on the business, except such as you shall think too bulky and easily made here. It would be proper, therefore, that they should consult you as to the necessary implements and their prices, that they may act under your control. The method of your paying for these implements and making reasonable advances to the workmen, shall be the subject of another letter, after the President shall have decided thereon. It should be a part of the agreement of these people, that they will faithfully instruct all persons in their art, whom we shall put under them for that purpose. Your contract with them may be made for any term not exceeding four years.

I have the honor to be, with great respect and much esteem, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

P. S. Should you not be able to procure persons of eminent qualifications for their business, in England, it will be proper to open a correspondence with Mr. Morris on the subject, and see whether he cannot get such from France. Next to the obtaining the ablest artists, a very important circumstance is to send them to us as soon as possible. T. J.

LETTER CXIV.

TO GOUVERNEUR MORRIS.

Philadelphia, June 16, 1792.

DEAR SIR,

My last to you was of March the 28th. Yours of April the 6th and 10th came to hand three days ago.

With respect to the particular objects of commerce susceptible of being placed on a better footing, on which you ask my ideas, they will show themselves by the enclosed table of the situation of our commerce with France and England. That with France is stated as it stood at the time I left that country, when the only objects whereon change was still desirable, were those of salted provisions, tobacco and tar, pitch and turpentine. The first was in negotiation when I came away, and was pursued by Mr. Short with prospects of success till their general tariff so unexpectedly deranged our commerce with them as to other articles. Our commerce with their West Indies had never admitted amelioration during my stay in France. The temper of that period did not allow even the essay, and it was as much as we could do to hold the ground given us by the Marshal de Castries' *Arrêt*, admitting us to their colonies with salted provisions, &c. As to both these branches of commerce, to wit, with France and her colonies, we have hoped they would pursue their own proposition of arranging them by treaty, and that we could draw that treaty to this place. There is no other where the dependence of their colonies on our States for their prosperity is so obvious as here, nor where their negotiator would feel it so much. But it would be imprudent to leave to the uncertain issue of such a treaty, the re-establishment of our commerce with *France* on the footing on which it was in the beginning of their revolution. That treaty may be long on the anvil; in the mean time, we cannot consent to the late innovations, without taking measures to do justice to our own navigation. This object, therefore, is particularly recommended to you, while you will also be availing yourself of every opportunity which may arise, of benefiting our commerce in any other part. I am in hopes you will have found the moment favorable on your arrival in France, when Monsieur Clavière was in the ministry, and the dispositions of the National Assembly favorable to the ministers. Your cipher has not been sent hitherto, because it required a most confidential channel of conveyance. It is now committed to Mr. Pinckney, who also carries the gazettes, laws, and other public papers for you. We have been long without any vessel going to Havre. Some of the Indian tribes have acceded to terms of peace. The greater part, however, still hold off, and oblige us to pursue more vigorous measures for war. I enclose you an extract from a circular letter to our Consuls, by which you will perceive, that those in countries where we have no diplomatic representative, are desired to settle their accounts annually with the Minister of the United States at Paris. This business I must desire you to undertake. The act concerning Consuls will be your guide, and I shall be glad that the 1st of July be the day to which their accounts shall be annually settled and paid, and that they may be forwarded as soon after that as possible to the office of the Secretary of State, to enter into the general account of his department, which it is necessary he should make up always before the meeting of Congress.

I am, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

P. S. I have said nothing of our whale-oil, because I believe it is on a better footing since the tariff than before. T. J.

LETTER CXV.

TO MR. VAN BERCKEL.

Philadelphia, July 2, 1792.

SIR,

It was with extreme concern that I learned from your letter of June the 25th, that a violation of the protection due to you as the representative of your nation had been committed, by an officer of this State entering your house and serving therein a process on one of your servants. There could be no question but that this was a breach of privilege; the only one was, how it was to be punished. To ascertain this, I referred your letter to the Attorney General, whose answer I have the honor to enclose you. By this you will perceive, that from the circumstance of your servant's not being registered in the Secretary of State's office, we cannot avail ourselves of the more certain and effectual proceeding which had been provided by an act of Congress for punishing infractions of the law of nations, that act having thought proper to confine the benefit of its provisions to such domestics only, as should have been registered. We are to proceed, therefore, as if that act had never been made, and the Attorney General's letter indicates two modes of proceeding. 1. By a warrant before a single magistrate, to recover the money paid by the servant under a process declared void by law. Herein the servant must be the actor, and the government not intermeddle at all. The smallness of the sum to be re-demanded will place this cause in the class of those in which no appeal to the higher tribunal is permitted, even in the case of manifest error, so that if the magistrate should err, the government has no means of correcting the error. 2. The second mode of proceeding would be, to indict the officer in the Supreme Court of the United States; with whom it would rest to punish him at their discretion, in proportion to the injury done and the malice from which it proceeded; and it would end in punishment alone, and not in a restitution of the money. In this mode of proceeding, the government of the United States is actor, taking the management of the cause into its own hands, and giving you no other trouble than that of bearing witness to such material facts as may not be otherwise supported. You will be so good as to decide in which of these two ways you would choose the proceeding should be; if the latter, I will immediately take measures for having the offender prosecuted according to law.

I have the honor to be, with sentiments of respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXVI.

TO MR. PALESKE.

Monticello, August 19, 1792.

SIR,

I have received at this place your favor of the 9th instant, wherein you request, that agreeably to the treaty of commerce between the United States and his Prussian Majesty, his Consul General be acknowledged as belonging to a most favored nation; that the privileges and immunities due to a Consul General of the most favored nation be granted to his Consul General, and that commissioners be appointed to regulate, by particular convention, the functions of the Consuls and Vice-Consuls of the respective nations.

Treaties of the United States duly made and ratified, as is that with his Prussian Majesty, constitute a part of the law of the land, and need only promulgation to oblige all persons to obey them, and to entitle all to those privileges which such treaties confer. That promulgation having taken place, no other act is necessary or proper on the part of our government, according to our rules of proceeding, to give effect to the treaty. This treaty, however, has not specified the privileges or functions of Consuls; it has only provided that these 'shall be regulated by particular agreement.' To the proposition to proceed as speedily as possible to regulate these functions by a convention, my absence from the seat of government does not allow me to give a definitive answer. I know, in general, that it would be agreeable to our government, on account of the recent changes in its form, to suspend for a while the contracting specific engagements with foreign nations, until something more shall be seen of the direction it will take, and of its mode of operation, in order that our engagements may be so moulded to that, as to insure the exact performance of them, which we are desirous ever to observe. Should this be the sentiment of our government on the present occasion, the friendship of his Prussian Majesty is a sufficient reliance to us for that delay which our affairs might require for the present: and the rather, as his vessels are not yet in the habit of seeking our ports, and for the few cases which may occur for some time, our own laws, copied mostly in this respect from those of a very commercial nation, have made the most material of those provisions which could be admitted into a special convention for the protection of vessels, their crews, and cargoes, coming hither. We shall on this, however, and every other occasion, do every thing we can to manifest our friendship to his Prussian Majesty, and our desire to promote commercial intercourse with his subjects; and of this, we hope, he will be fully assured.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXVII.

TO THE PRESIDENT.

Monticello, August 19, 1792.

SIR,

I was yesterday honored with yours of the 13th instant, covering the Governor of Vermont's of July the 16th. I presume it can not now be long before I shall receive his answer to the two letters I wrote him from Philadelphia on the same subject. I now enclose letters received by yesterday's post from Mr. Hammond, Mr. William Knox, and Mr. Paleske, with answers to the two latter. Should these meet your approbation, you will be so good as to seal and let them go on under the cover to Mr. Taylor, who will have them conveyed according to their address. Should you wish any alteration of them, it shall be made on their being returned. The Prussian treaty is, I believe, within four years of its expiration. I suspect that personal motives alone induce Mr. Paleske to press for a convention, which could hardly be formed and ratified before it would expire; and that his court cannot lay much stress on it. Mr. Hammond's former explanations of his notification of the 12th of April having been laid before Congress, may perhaps make it proper to communicate to them also his sovereign's approbation of them.

I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXVIII.

TO M. DE TERNANT.

Philadelphia, September 27, 1792.

SIR,

Your letter of the 2d instant, informing me that the legislative body, on the proposition of the King of the French, had declared war against the King of Hungary and Bohemia, has been duly received, and laid before the President of the United States: and I am authorized to convey to you the expression of the sincere concern we feel, on learning that the French nation, to whose friendship and interests we have the strongest attachments, are now to encounter the evils of war. We offer our prayers to Heaven that its duration may be short, and its course marked with as few as may be of those calamities which render the condition of war so afflicting to humanity; and we add assurances, that during its course we shall continue in the same friendly dispositions, and render all those good offices which shall be consistent with the duties of a neutral nation.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXIX.

TO MR. PINCKNEY.

Philadelphia, October 12, 1792.

DEAR SIR,

Your favor of August the 7th came to hand on the 6th instant, and gave me the first certain information of your safe arrival. Mr. Otto, being about to sail for London, furnishes me with an opportunity of sending the newspapers for yourself and Mr Barclay, and I avail myself of it, chiefly for this purpose, as my late return from Virginia and the vacation of Congress furnish little new and important for your information. With respect to the Indian war, the summer has been chiefly employed on our part in endeavoring to persuade them to peace, in an abstinence from all offensive operations, in order to give those endeavors a fairer chance, and in preparation for activity the ensuing season, if they fail. I believe we may say these endeavors have all failed, or probably will do so. The year has been rather a favorable one for our agriculture. The crops of small grain were generally good. Early frosts have a good deal shortened those of tobacco and Indian corn, yet not so as to endanger distress. From the south my information is less certain, but from that quarter you will be informed through other channels. I have a pleasure in noting this circumstance to you, because the difference between a plentiful and a scanty crop more than counterpoises the expenses of any campaign. Five or six plentiful years successively, as we have had, have most sensibly ameliorated the condition of our country, and uniform laws of commerce, introduced by our new government, have enabled us to draw the whole benefits of our agriculture.

I enclose you the copy of a letter from Messrs. Blow and Milhaddo, merchants of Virginia, complaining of the taking away of their sailors on the coast of Africa, by the commander of a British armed vessel. So many instances of this kind have happened, that it is quite necessary that their government should explain themselves on the subject, and be led to disavow and punish such conduct. I leave to your discretion to endeavor to obtain this satisfaction by such friendly discussions as may be most likely to produce the desired effect, and secure to our commerce that protection against British violence, which it has never experienced from any other nation. No law forbids the seaman of any country to engage in time of peace on board a foreign vessel: no law authorizes such seaman to break his contract, nor the armed vessels of his nation to interpose force for his rescue. I shall be happy to hear soon, that Mr. B. has gone on the service on which he was ordered.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXX.

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, October 14, 1792.

GENTLEMEN,

Since my letters of March the 18th and April the 24th (which have been retarded so unfortunately), another subject of conference and convention with Spain has occurred. You know that the frontiers of her provinces, as well as of our States, are inhabited by Indians holding justly the right of occupation, and leaving to Spain and to us only the claim of excluding other nations from among them, and of becoming ourselves the purchasers of such portions of land, from time to time, as they choose to sell. We have thought that the dictates of *interest* as well as *humanity* enjoined mutual endeavors with those Indians to live in peace with both nations, and we have scrupulously observed that conduct. Our agent with the Indians bordering on the territories of Spain has a standing instruction to use his best endeavors to prevent them from committing acts of hostility against the Spanish settlements. But whatever may have been the conduct or orders of the *government* of Spain, that of their officers in our neighborhood has been indisputably unfriendly and hostile to us. The papers enclosed will demonstrate this to you. That the Baron de Carondelet, their chief Governor at New Orleans, has excited the Indians to war on us, that he has furnished them with abundance of arms and ammunition, and promised them whatever more shall be necessery, I have from the mouth of him who had it from his own mouth. In short, that he is the sole source of a great and serious war now burst out upon us, and from Indians who, we know, were in peaceable dispositions towards us till prevailed on by him to commence the war, there remains scarcely room to doubt. It has become necessary that we understand the real policy of Spain in this point. You will, therefore, be pleased to extract from the enclosed papers such facts as you think proper to be communicated to that court, and enter into friendly but serious expostulations on the conduct of their officers; for we have equal evidence against the commandants of other posts in West Florida, though, they being subordinate to Carondelet, we name him as the source. If they disavow his conduct, we must naturally look to their treatment of him as the sole evidence of their sincerity. But we must look further. It is a general rule, that no nation has a right to keep an agent within the limits of another, without the consent of that other, and we are satisfied it would be best for both Spain and us, to abstain from having agents or other persons in our employ or pay among the savages inhabiting our respective territories, whether as subjects or independent. You are, therefore, desired to propose and press a stipulation to that effect. Should they absolutely decline it, it may be proper to let them perceive that, as the right of keeping agents exists on both sides or on neither, it will rest with us to reciprocate their own measures. We confidently hope that these proceedings are unauthorized by the government of Spain, and, in this hope, we continue in the dispositions formerly expressed to you, of living on terms of the best friendship and harmony with that country, of making their interests in our neighborhood our own, and of giving them every proof of this, except the abandonment of those essential rights which you are instructed to insist on.

I have the honor to be, with great and sincere esteem, Gentlemen, your most obedient and most humble servant,

Th : Jefferson.

LETTER CXXI.

TO GOUVERNEUR MORRIS.

Philadelphia, October 15, 1792.

Sir,

I have received your favor of July the 10th, No. 4, but no other number preceding or subsequent. I fear, therefore, that some miscarriage has taken place. The present goes to Bordeaux under cover to Mr. Fenwick, who I hope will be able to give it a safe conveyance to you. I observe that you say in your letter, that ‘ the marine department is to treat with you for supplies to St. Domingo.’ I presume you mean ‘ supplies of *money*,’ and not that our government is to furnish supplies of *provisions*, &c. specifically, or employ others to do it; this being a business into which they could not enter. The payment of money here, to be employed by their own *agents* in purchasing the produce of our soil, is a desirable thing. We are informed by the public papers, that the late constitution of France, *formally notified to us*, is suspended, and a new convention called. During the time of this suspension, and while no legitimate government exists, we apprehend we cannot continue the payments of our debt to France, because there is no person authorized to receive it and to give us an unobjectionable acquittal. You are therefore desired to consider the payment as suspended, until further orders. Should circumstances oblige you to mention this (which it is better to avoid if you can), do it with such solid reasons as will occur to yourself, and accompany it with the most friendly declarations that the suspension does not proceed from any wish in us to delay the payment, the contrary being our wish, nor from any desire to embarrass or oppose the settlement of their government in that way in which their nation shall desire it; but from our anxiety to pay this debt justly and honorably, and to the persons really authorized by the nation (to whom we owe it) to receive it for their use. Nor shall the suspension be continued one moment after we can see our way clear out of the difficulty into which their situation has thrown us. That they may speedily obtain liberty, peace, and tranquillity, is our sincere prayer. * * * * * *

I have the honor to be, with great respect and esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXII.

TO M. DE TERNANT.

Philadelphia, October 16, 1792.

SIR,

I am to acknowledge the receipt of your letter of the 9th instant, proposing a stipulation for the abolition of the practice of privateering in times of war. The benevolence of this proposition is worthy of the nation from which it comes, and our sentiments on it have been declared in the treaty to which you are pleased to refer, as well as in some others which have been proposed, There are in those treaties some other principles which would probably meet the approbation of your government, as flowing from the same desire to lessen the occasions and the calamities of war. On all of these, as well as on those amendments to our treaty of commerce which might better its conditions with both nations, and which the National Assembly of France has likewise brought into view on a former occasion, we are ready to enter into negotiation with you, only proposing to take the whole into consideration at once. And while contemplating provisions which look to the event of war, we are happy in feeling a conviction that it is yet at a great distance from us, and in believing that the sentiments of sincere friendship which we bear to the nation of France are reciprocated on their part. Of these our dispositions, be so good as to assure them on this and all other occasions; and to accept yourself those sentiments of esteem and respect, with which I have the honor to be, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXIII.

TO MESSRS. VIAR AND JAUDENES, *Commissioners of Spain.*

Philadelphia, November 1, 1792.

GENTLEMEN,

I have now to acknowledge the receipt of your favor of October the 29th, which I have duly laid before the President of the United States: and in answer thereto, I cannot but observe that some parts of its contents were truly unexpected. On what foundation it can be supposed that we have menaced the Creek nation with destruction during the present autumn, or at any other time, is entirely inconceivable. Our endeavors, on the contrary, to keep them at peace, have been earnest, persevering, and notorious, and no expense has been spared which might attain that object. With the same views to peace, we have suspended, now more than a twelvemonth, the marking a boundary between them and us, which had been fairly, freely, and solemnly established with the chiefs whom they had deputed to treat with us on that subject: we have suspended it, I say, in the constant hope, that taking time to consider it in the councils of their nation, and recognising the justice and reciprocity of its conditions, they would at length freely concur in carrying it into execution. We agree with you, that the interests which either of us have in the proceedings of the other with this nation of Indians, is a proper subject of discussion at the negotiations to be opened at Madrid, and shall accordingly give the same in charge to our commissioners there. In the mean time, we shall continue sincerely to cultivate the peace and prosperity of all the parties, being constant in the opinion, that this conduct, reciprocally observed, will most increase the happiness of all.

I have the honor to be, with sentiments of great esteem and respect, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXIV.

TO THE PRESIDENT.

Philadelphia, November 2, 1792.

Sir,

The letter of October the 29th, from Messrs. Viar and Jaudenes, not expressing the principle on which their government interests itself between the United States and the Creeks, I thought it of importance to have it ascertained. I therefore called on those Gentlemen, and entered into explanations with them. They assured me, in our conversation, that supposing all question of boundary to be out of the case, they did not imagine their government would think themselves authorized to take under their protection any nations of Indians living within limits confessed to be ours; and they presumed that any interference of theirs, with respect to the Creeks, could only arise out of the question of disputed territory, now existing between us: that, on this account, some part of our treaty with the Creeks had given dissatisfaction. They said, however, that they were speaking from their own sentiments only, having no instructions which would authorize them to declare those of their court: but that they expected an answer to their letters covering mine of July the 9th (erroneously cited by them as of the 11th), from which they would probably know the sentiments of their court. They accorded entirely in the opinion, that it would be better that the two nations should mutually endeavor to preserve each the peace of the other, as well as their own, with the neighboring tribes of Indians.

I shall avail myself of the opportunity by a vessel which is to sail in a few days, of sending proper information and instructions to our commissioners on the subject of the late, as well as of future interferences of the Spanish officers to our prejudice with the Indians, and for the establishment of common rules of conduct for the two nations.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CXXV.

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, November 3, 1792.

Gentlemen,

I wrote you on the 14th of last month; since which some other incidents and documents have occurred, bearing relation to the subject of that letter. I therefore now enclose you a duplicate of that letter.

Copy of a letter from the Governor of Georgia, with the deposition it covered of a Mr. Hull, and an original passport signed by Olivier, wherein he styles himself Commissary for his Catholic Majesty with the Creeks.

Copy of a letter from Messrs. Viar and Jaudenes to myself, dated October the 29th, with that of the extract of a letter of September the 24th, from the Baron de Carondelet to them.

Copy of my answer of No. 1, to them, and copy of a letter from myself to the President, stating a conversation with those gentlemen.

From those papers you will find that we have been constantly endeavoring, by every possible means, to keep peace with the Creeks; that in order to do this, we have even suspended and still suspend the running a fair boundary between them and us, as agreed on by themselves, and having for its object the precise definition of their and our lands, so as to prevent encroachment on either side, and that we have constantly endeavored to keep them at peace with the Spanish settlements also: that Spain on the contrary, or at least the officers of her governments, since the arrival of the Baron de Carondelet, have undertaken to keep an agent among the Creeks, have excited them and the other southern Indians to commence a war against us, have furnished them with arms and ammunition for the express purpose of carrying on that war, and prevented the Creeks from running the boundary which would have removed the cause of difference from between us. Messrs. Viar and Jaudenes explain the ground of interference on the fact of the Spanish claim to that territory, and on an article in our treaty with the Creeks, putting themselves under our protection. But besides that you already know the nullity of their pretended claim to the territory, they had themselves set the example of endeavoring to strengthen that claim by the treaty mentioned in the letter of the Baron de Carondelet, and by the employment of an agent among them. The establishment of our boundary, committed to you, will, of course, remove the grounds of all future pretence to interfere with the Indians *within our territory*, and it was to such only that the treaty of New York stipulated protection: for we take for granted, that Spain will be ready to agree to the principle, that neither party has a right to stipulate protection or interference with the Indian nations inhabiting the territory of the other. But it is extremely material also, with sincerity and good faith, to patronize the peace of each other with the neighboring savages. We are quite disposed to believe that the late wicked excitements to war have proceeded from the Baron de Carondelet himself, without authority from his court. But if so, have we not reason to expect the removal of such an officer from our neighborhood, as an evidence of the disavowal of his proceedings? He has produced against us a serious war. He says in his letter, indeed, that he has suspended it. But this he has not done, nor possibly can he do it. The Indians are more easily engaged in a war than withdrawn from it. They have made the attack in force on our frontiers, whether with or without his consent, and will oblige us to a severe punishment of their aggression. We trust that you will be able to settle principles of a friendly concert between us and Spain, with respect to the neighboring Indians: and if not, that you will endeavor to apprize us of what we may expect, that we may no longer be tied up by principles, which, in that case, would be inconsistent with duty and self-preservation.

I have the honor to be, with sentiments of perfect esteem and respect, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXVI.

TO GOUVERNEUR MORRIS.

Philadelphia, November 7, 1792.

DEAR SIR,

My last to you was of the 15th of October; since which I have received your Nos. 1, 2, 3, 5, 6, 7. Though mine went by a conveyance directly to Bordeaux, and may therefore probably get safe to you, yet I think it proper, lest it should miscarry, to repeat to you the following paragraph from it.

* * * * * * * * *

I am perfectly sensible that your situation must, ere this reaches you, have been delicate and difficult; and though the occasion is probably over, and your part taken of necessity, so that instructions now would be too late, yet I think it just to express our sentiments on the subject, as a sanction of what you have probably done. Whenever the scene became personally dangerous to you, it was proper you should leave it, as well from personal as public motives. But what degree of danger should be awaited, to what distance or place you should retire, are circumstances which must rest with your own discretion, it being impossible to prescribe them from hence. With what kind of government you may do business, is another question. It accords with our principles to acknowledge any government to be rightful, which is formed by the will of the nation substantially declared. The late government was of this kind, and was accordingly acknowledged by all the branches of ours. So, any alteration of it which shall be made by the will of the nation substantially declared, will doubtless be acknowledged in like manner. With such a government *every kind* of business may be done. But there are *some matters* which I conceive might be transacted with a government *de facto;* such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation. Such cases you will readily distinguish as they occur. With respect to this particular reformation of their regulations, we cannot be too pressing for its attainment, as every day's continuance gives it additional firmness, and endangers its taking root in their habits and constitution; and indeed, I think they should be told, as soon as they are in a condition to act, that if they do not revoke the late innovations, we must lay additional and equivalent burthens on *French ships*, by name. Your conduct in the case of M. de Bonne Carrere is approved entirely. We think it of great consequence to the friendship of the two nations, to have a minister here, in whose dispositions we have confidence. Congress assembled the day before yesterday. I enclose you a paper containing the President's speech, whereby you will see the chief objects of the present session. Your difficulties as to the settlements of our accounts with France and as to the payment of the foreign officers, will have been removed by the letter of the Secretary of the Treasury, of which, for fear it should have miscarried, I now enclose you a duplicate. Should a conveyance for the present letter offer to any port of France directly, your newspapers will accompany it. Otherwise, I shall send it through Mr. Pinckney, and retain the newspapers as usual, for a direct conveyance.

I am, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXVII.

TO M. DE TERNANT.

Philadelphia, November 20, 1792.

Sir,

Your letter on the subject of further supplies to the colony of St. Domingo has been duly received and considered. When the distresses of that colony first broke forth, we thought we could not better evidence our friendship to that and to the mother country also, than to step in to its relief, on your application, without waiting a formal authorization from the National Assembly. As the case was unforeseen, so it was unprovided for on their part, and we did what we doubted not they would have desired us to do, had there been time to make the application, and what we presumed they would sanction as soon as known to them. We have now been going on more than a twelvemonth, in making advances for the relief of the colony, without having, as yet, received any such sanction; for the decree of four millions of livres in aid of the colony, besides the circuitous and informal manner by which we became acquainted with it, describes and applies to operations very different from those which have actually taken place. The wants of the colony appear likely to continue, and their reliance on our supplies to become habitual. We feel every disposition to continue our efforts for administering to those wants; but that cautious attention to forms which would have been unfriendly in the first moment, becomes a duty to ourselves, when the business assumes the appearance of long continuance, and respectful also to the National Assembly itself, who have a right to prescribe the line of an interference so materially interesting to the mother country and the colony.

By the estimate you were pleased to deliver me, we perceive that there will be wanting, to carry the colony through the month of December, between thirty and forty thousand dollars, in addition to the sums before engaged to you. I am authorized to inform you, that the sum of forty thousand dollars shall be paid to your orders at the Treasury of the United States, and to assure you, that we feel no abatement in our dispositions to contribute these aids from time to time, as they shall be wanting, for the necessary subsistence of the colony: but the want of express approbation from the national legislature must ere long produce a presumption that they contemplate perhaps other modes of relieving the colony, and dictate to us the propriety of doing only what they shall have regularly and previously sanctioned. Their decree, before mentioned, contemplates purchases made *in the United States only*. In this they might probably have in view, as well to keep the business of providing supplies under a single direction, as that these supplies should be bought where they can be had cheapest, and where the same sum will consequently effect the greatest measure of relief to the colony. It is our wish, as undoubtedly it must be yours, that the monies we furnish be applied strictly in the line they prescribe. We understand, however, that there are in the hands of our citizens, some bills drawn by the administration of the colony, for articles of subsistence *delivered there.* It seems just, that such of them should be paid as were received before *fide bonâ* notice that that mode of supply was not bottomed on the funds furnished to you by the United States, and we recommend them to you accordingly.

I have the the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXXVIII.

TO MR. RUTHERFORD.

Philadelphia, December 25, 1792.

SIR,

I have considered with all the attention which the shortness of the time would permit, the two motions which you were pleased to put into my hands yesterday afternoon, on the subject of weights and measures, now under reference to a committee of the Senate, and will take the liberty of making a few observations thereon.

The first, I presume, is intended as a basis for the adoption of that alternative of the report on measures and weights, which proposed retaining the present system, and fixing its several parts by a reference to a rod vibrating seconds, under the circumstances therein explained : and to fulfil its object, I think the resolutions there proposed should be followed by this ; ‘ that the standard by which the said measures of length, surface, and capacity shall be fixed, shall be an uniform cylindrical rod of iron, of such length, as in latitude forty-five degrees, in the level of the ocean, and in a cellar or other place of uniform natural temperature, shall perform its vibrations in small and equal arcs, in one second of mean time ;

and that rain-water be the substance, to some definite mass of which the said weights shall be referred.' Without this, the committee employed to prepare a bill on those resolutions, would be uninstructed as to the principle by which the Senate mean to fix their measures of length, and the substance by which they will fix their weights.

The second motion is a middle proposition between the first and the last alternatives in the report. It agrees with the first in some of the present measures and weights, and with the last, in compounding and dividing them decimally. If this should be thought best, I take the liberty of proposing the following alterations of these resolutions.

2nd. For 'metal' substitute 'iron.' The object is to have one determinate standard. But the different metals having different degrees of expansibility, there would be as many different standards as there are metals, were that generic term to be used. A specific one seems preferable, and 'iron' the best, because the least variable by expansion.

3rd. I should think it better to omit the chain of 66 feet, because it introduces a series which is not decimal, viz. 1. 66. 80. and because it is absolutely useless. As a measure of length, it is unknown to the mass of our citizens; and if retained for the purpose of superficial measure, the foot will supply its place, and fix the acre as in the fourth resolution.

4th. For the same reason I propose to omit the words 'or shall be ten chains in length and one in breadth.'

5th. This resolution would stand better, if it omitted the words 'shall be one foot square, and one foot and twenty cents of a foot deep, and,' because the second description is perfect, and too plain to need explanation. Or if the first expression be preferred, the second may be omitted, as perfectly tautologous.

6th. I propose to leave out the words 'shall be equal to the pound avoirdupois now in use, and,' for the reasons suggested on the second resolution, to wit, that our object is, to have one determinate standard. The pound avoirdupois now in use, is an indefinite thing. The committee of parliament reported variations among the standard weights of the exchequer. Different persons weighing the cubic foot of water have made it, some more and some less than one thousand ounces avoirdupois; according as their weights had been tested by the lighter or heavier standard weights of the exchequer. If the pound now in use be declared a standard, as well as the weight of sixteen thousand cubic cents of a foot in water, it may hereafter, perhaps, be insisted that these two definitions are different, and that being of equal authority, either may be used, and so the standard pound be rendered as uncertain as at present.

7th. For the same reasons I propose to omit the words 'equal to seven grains troy.' The true ratio between the avoirdupois and troy weights, is a very contested one. The equation of seven thousand grains troy to the pound avoirdupois, is only one of several opinions, and is indebted perhaps to its integral form for its prevalence. The introduction either of the troy or avoirdupois weight into the definition of our unit, will throw that unit under the uncertainties now enveloping the troy and avoirdupois weights.

When the House of Representatives were pleased to refer to me the subject of weights and measures, I was uninformed as to the hypothesis on which I was to take it up; to wit, whether on that, that our citizens would not approve of any material change in the present system, or on the other, that they were ripe for a complete reformation. I therefore proposed plans for each alternative. In contemplating these, I had occasion to examine well all the middle ground between the two, and among others which presented themselves to my mind, was the plan of establishing one of the known weights and measures as the unit in each class; to wit, in the measures of lines, of surfaces, and of solids, and in weights, and to compound and divide them decimally. In the measure of weights, I had thought of the ounce as the best unit, because, calling it the thousandth part of a cubic foot of water, it fell into the decimal series, formed a happy link of connection with the system of measures on the one side, and of coins on the other, by admitting an equality with the dollar, without changing the value of that or its alloy materially. But on the whole, I abandon this middle proposition, on the supposition that if our fellow-citizens were ripe for advancing so great a length towards reformation, as to retain only four known points of the very numerous series to which they were habituated, to wit, the foot, the acre, the bushel, and the ounce, abandoning all the multiples and subdivisions of them, or recurring for their value to the tables which would be formed, they would probably be ripe for taking the whole step, giving up these four points also, and making the reformation complete; and the rather, as in the present series and the one to be proposed, there would be so many points of very near approximation, as, aided in the same manner by tables, would not increase their difficulties, perhaps, indeed, would lessen them by the greater simplicity of the links by which the several members of the system are connected together. Perhaps, however, I was wrong in this supposition. The representatives of the people in Congress are alone competent to judge of the general disposition of the people, and to what precise point of reformation they are ready to go. On this, therefore, I do not presume to give an opinion, nor to pronounce between the comparative expediency of the three propositions; but shall be ready to give whatever aid I can to any of them which shall be adopted by the legislature.

I have the honor to be, with perfect respect, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXIX.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Philadelphia, January 2, 1793.

SIR,

According to the resolution of the House of Representatives, of the 31st of December, delivered to me yesterday, I have the honor to lay before you a list of the several persons employed in my office, with the salaries allowed to each, as follows:

	Dollars.
George Taylor, jr. (of New York), chief clerk, his salary fixed by law,	800
Jacob Blackwell (of New York), clerk,	500
George Pfeiffer (of Pennsylvania), clerk,	500
Philip Freneau (of New York), clerk for foreign languages,	250
Sampson Crosby (of Massachusetts), messenger and office-keeper,	250

The act of Congress of June the 4th, 1790, c. 18, allowed me an additional clerk with the same salary as the chief clerk. After the retirement of the person first appointed, whose services had been particularly desirable, because of his long and intimate acquaintance with the papers of the office, it did not appear necessary to make further use of the indulgence of that law. No new appointment, therefore, has been made.

The clerk for foreign languages has but half the usual salary. I found his clerkship on this establishment when I came into office, and made no change in it, except, that in the time of his predecessor, where translations were required from any language with which he was unacquainted, they were sent to a special translator and paid for by the public. The present clerk is required to defray this expense himself.

I have the honor to be, with the most perfect respect, Sir, your most obedient and most humble servant,

Th : Jefferson.

LETTER CXXX.

Circular to the Ministers of France, the United Netherlands, Great Britain, &c.

Philadelphia, February 13, 1793.

Sir,

The House of Representatives having referred to me, to report to them the nature and extent of the privileges and restrictions on the commerce of the United States with foreign nations, I have accordingly prepared a report on that subject. Being particularly anxious that it may be exact in matters of fact, I take the liberty of putting into your hands, *privately and informally*, an extract of such as relate to our commerce with your nation, in hopes that if you can either enlarge or correct them, you will do me that favor. It is safer to suppress an error in its first conception, than to trust to any after correction; and a confidence in your sincere desire to communicate or to re-establish any truths which may contribute to a perfect understanding between our two nations, has induced me to make the present request. I wish it had been in my power to have done this sooner, and thereby have obtained the benefit of your having more time to contemplate it: but circumstances have retarded the entire completion of the report till the Congress is approaching its end, which will oblige me to give it in within three or four days.

I am, with great and sincere esteem, Sir, your most obedient and most humble servant, Th: Jefferson.

P. S. The report having been prepared before the late diminution of the duties on our tobacco, that circumstance will be noted in the letter which will cover the report. T. J.

France receives favorably our bread-stuff, rice, wood, pot and pearl ashes.

A duty of five sous the kental, or nearly four and a half cents, is paid on our tar, pitch, and turpentine. Our whale-oils pay six livres the kental, and are the only whale-oils admitted. Our indigo pays five livres the kental, their own two and a half; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the kental. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one, of twenty livres the kental.

Our ships are free to carry thither all foreign goods, which may be carried in their own or any other vessels, except tobaccos not of our own growth: and they participate with theirs the exclusive carriage of our whale-oils.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres fifteen sous the kental, carried in their own vessels, and twenty-five livres, carried in ours; a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and maize, and prohibits our other bread-stuff: but a suspension of this prohibition having been left to the colonial legislature, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands, under a duty of three colonial livres the kental, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

The *United Netherlands* prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion, they intercept between us and the consumer, so much of the real value as is absorbed by the charges attending an intermediate deposite.

Foreign goods, except some East India articles, are received in the vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges, which scarcely lessen their value.

In the American possessions of the United Netherlands, and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of.

Great Britain receives our pot and pearl ashes free, while those of other nations pay a duty of two shillings three pence the kental. There is an equal distinction in favor of our bar-iron, of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay eleven pence sterling the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling three pence sterling the pound, custom and excise, besides heavy expenses of collection: and rice, in the same case, pays seven shillings four pence sterling the hundred weight, which rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale-oils are under prohibitory duties: so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings sterling the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12 Car. 2, c. 18, s. 3.) from carrying thither all and any of our domestic productions and manufactures. A subsequent act, indeed, has authorized their executive to permit the carriage of our own productions in our own bottoms, at its sole discretion: and the permission has been given from year to year, by proclamation; but subject every moment to be withdrawn on that single will, in which event, our vessels having any thing on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion, when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. It was privately believed, indeed, that the order of that court went further than their intention, and so we were, afterwards, officially informed: but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement, as to other countries where it is regulated by a single legislator: and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling nine pence sterling per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us is re-exported to other countries, under the useless charges of an intermediate deposite and double voyage.

From tables published in England, and composed, as is said, from the books of their Custom-Houses, it appears, that of the indigo imported there in the years 1773–4–5, one third was re-exported; and, from a document of authority, we learn that of the rice and tobacco imported there before the war, four fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war are considerably diminished; yet less so than reason and national interest would dictate. The whole of our grain is re-exported, when wheat is below fifty shillings the quarter, and other grains in proportion.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and bread-stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange, rum, molasses, sugar, coffee, cocoa-nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but under such circumstances as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called their *navigation act.*

Of our commercial objects, *Spain* receives favorably our bread-stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, when re-exported to their colonies, they have lately imposed duties, of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale-oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there.

Themselves and their colonies are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain, foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Spain and *Portugal* refuse to those parts of America which they govern, all direct intercourse with any people but themselves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject state must be in a domestic bottom.

LETTER CXXXI.

TO MR. HAMMOND.

Philadelphia, February 16, 1793.

Sir,

I have duly received your letter of yesterday, with the statement of the duties payable on articles imported into Great Britain. The object of the report, from which I had communicated some extracts to you, not requiring a minute detail of the several duties on every article, in every country, I had presented both articles and duties in groups, and in general terms, conveying information sufficiently accurate for the object. And I have the satisfaction to find, on re-examining the expressions in the report, that they correspond with your statement as nearly as generals can with particulars. The differences which any nation makes between our commodities and those of other countries, whether favorable or unfavorable to us, were proper to be noted. But they were subordinate to the more important questions, What countries *consume* most of our produce, exact the lightest duties, and leave to us the most favorable balance?

You seem to think that in the mention made of your *official* communication of April the 11th, 1792, that the clause in the navigation act (prohibiting our own produce to be carried in our own vessels into the British European dominions) would be strictly enforced in future, and the *private belief* expressed at the same time, that the intention of that court did not go so far, that the latter terms are not sufficiently accurate. About the fact it is impossible we should differ, because it is a written one. The only difference, then, must be a merely verbal one. For thus stands the fact. In your letter of April the 11th, you say, you have received by a circular despatch from your court, directions to inform this government that it had been determined in future strictly to enforce this clause of the navigation act. This I considered as an *official* notification. In your answer of April the 12th, to my request of explanation, you say, 'In answer to your letter of this day, I have the honor of observing that I have no other instructions upon the subject of my communication, than such as are contained in the circular despatch, of which I stated the purport in my letter dated yesterday. I have, however, no difficulty in assuring you, that the result of my *personal conviction* is, that the determination of his Majesty's government to enforce the clause of the act, &c. is not intended to militate against the proclamation,' &c. This *personal conviction* is expressed in the report as a *private belief*, in contradistinction of the *official* declaration. In your letter of yesterday, you chose to call it 'a formal assurance of your conviction.' As I am not scrupulous about words when they are once explained, I feel no difficulty in substituting in the report, your own words '*personal conviction*,' for those of '*private belief*,' which I had thought equivalent. I cannot indeed insert that it was a *formal* assurance, lest some readers might confound this with an *official* one, without reflecting that you could not mean to give *official* assurance that the clause would be enforced, and *official* assurance, at the same time, of your personal conviction that it would not be enforced.

I had the honor to acknowledge verbally the receipt of your letter of the 3rd of August, when you did me that of making the inquiry verbally about six weeks ago; and I beg leave to assure you, that I am, with due respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXXII.

TO M. DE TERNANT.

Philadelphia, February 17, 1793.

SIR,

I have duly received your letter of yesterday, and am sensible of your favor in furnishing me with your observations on the statement of the commerce between our two nations, of which I shall avail myself for the good of both. The omission of our participation with your vessels, in the exclusive transportation of our tobacco, was merely that of the copy, as it was expressed in the original draught where the same circumstance respecting our whale-oil was noted: and I am happy that your notice of it has enabled me to reinstate it before the report goes out of my hand.

I must candidly acknowledge to you, that I do not foresee the same effect in favor of our navigation, from the late reduction of duties on our tobaccos in France, which you seem to expect. The difference in favor of French vessels is still so great, as, in my opinion, to make it their interest to quit all other branches of the carrying business, to take up this; and as your stock of shipping is not adequate to the carriage of all your exports, the branches which you abandon will be taken up by other nations: so that this difference thrusts us out of the tobacco carriage, to let other nations in to the carriage of other branches of your commerce. I must therefore avail myself of this occasion to express my hope, that your nation will again revise this subject, and place it on more equal grounds. I am happy in concurring with you more perfectly in another sentiment, that as the principles of our governments become more congenial, the links of affection are multiplied between us. It is impossible they should multiply beyond our wishes. Of the sincere interest we take in the happiness and prosperity of your nation, you have had the most unequivocal proofs.

I pray you to accept assurances of sincere attachment to you personally, and of the sentiments of respect and esteem, with which I am, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXXIII.

TO M. DE TERNANT.

Philadelphia, February 20, 1793.

Sir,

I have laid before the President of the United States your notification of the 17th instant, in the name of the Provisory Executive Council charged with the administration of your government, that the French nation has constituted itself into a republic. The President receives with great satisfaction this attention of the Executive Council, and the desire they have manifested of making known to us the resolution entered into by the National Convention, even before a definitive regulation of their new establishment could take place. Be assured, Sir, that the government and the citizens of the United States, view with the most sincere pleasure every advance of your nation towards its happiness, an object essentially connected with its liberty, and they consider the union of principles and pursuits between our two countries, as a link which binds still closer their interests and affections. We earnestly wish on our part, that these our natural dispositions may be improved to mutual good, by establishing our commercial intercourse on principles as friendly to natural right and freedom, as are those of our governments.

I am, with sincere esteem and respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CXXXIV.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Philadelphia, February 20, 1793.

Sir,

The House of Representatives, about the close of the session before the last, referred to me the report of a committee on a message from the President of the United States, of the 14th of February, 1791, with directions to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and measures for its improvement. The report was accordingly prepared during the ensuing recess, ready to be delivered at the next session, that is to say, at the last. It was thought possible at that time, however, that some changes might take place in the existing state of things, which might call for corresponding changes in measures. I took the liberty of mentioning this in a letter to the Speaker of the House of Representatives, to express an opinion that a suspension of proceedings thereon, for a time, might be expedient, and to propose retaining the report till the present session, unless the House should be pleased to signify their pleasure to the contrary. The changes then contemplated have not taken place, nor, after waiting as long as the term of the session will admit, in order to learn something further on the subject, can any thing definite thereon be now said. If, therefore, the House wishes to proceed on the subject, the report shall be delivered at a moment's warning. Should they not choose to take it up till their next session, it will be an advantage to be permitted to keep it by me till then, as some farther particulars may perhaps be procured relative to certain parts of our commerce, of which precise information is difficult to obtain. I make this suggestion, however, with the most perfect deference to their will, the first intimation of which shall be obeyed on my part, so as to occasion them no delay.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXXV.

TO GOUVERNEUR MORRIS.

Philadelphia, March 12, 1793.

DEAR SIR,

Your Nos. 8 to 13, inclusive, have been duly received. I am sensible that your situation must have been difficult during the transition from the late form of government to the re-establishment of some other legitimate authority, and that you may have been at a loss to determine with whom business might be done. Nevertheless, when principles are well understood, their application is less embarrassing. We surely cannot deny to any nation that right whereon our own government is founded, that every one may govern itself according to whatever form it pleases, and change these forms at its own will; and that it may transact its business with foreign nations through whatever organ it thinks proper, whether King, Convention, Assembly, Committee, President, or any thing else it may choose. The will of the nation is the only thing essential to be regarded. On the dissolution of the late constitution in France, by removing so integral a part of it as the King, the National Assembly, to whom a part only of the public authority had been delegated, appear to have considered themselves as incompetent to transact the affairs of the nation legitimately. They invited their fellow-citizens, therefore, to appoint a National Convention. In conformity with this their idea of the defective state of the national authority, you were desired from hence to suspend further payments of our debts to France till new orders, with an assurance, however, to the acting power, that the suspension should not be continued a moment longer than should be necessary for us to see the re-establishment of some person or body of persons authorized to receive payment and give us a good acquittal; (if you should find it necessary to give any assurance or explanation at all.) In the mean time, we went on paying up the four millions of livres which had been destined by the last constituted authorities to the relief of St. Domingo. Before this was completed, we received information that a National Assembly had met, with full powers to transact the affairs of the nation, and soon afterwards, the minister of France here presented an application for three millions of livres, to be laid out in provisions to be sent to France. Urged by the strongest attachment to that country, and thinking it even providential, that monies lent to us in distress, could be repaid under like circumstances, we had no hesitation to comply with the application, and arrangements are accordingly taken, for furnishing this sum at epochs accommodated to the demand and our means of paying it. We suppose this will rather overpay the instalments and interest due on the loans of eighteen, six, and ten millions, to the end of 1792; and we shall certainly use our utmost endeavors to make punctual payments of the instalments and interest hereafter becoming exigible, and to omit no opportunity of convincing that nation how cordially we wish to serve them. Mutual good offices, mutual affection, and similar principles of government, seem to destine the two nations for the most intimate communion: and I cannot too much press it on you, to improve every opportunity which may occur in the changeable scenes which are passing, and to seize them as they occur, for placing our commerce with that nation and its dependencies, on the freest and most encouraging footing possible.

Besides what we have furnished publicly for the relief of St.

Domingo, individual merchants of the United States have carried considerable supplies thither, which have been sometimes purchased, sometimes taken by force, and bills given by the administration of the colony on the Minister here, which have been protested for want of funds. We have no doubt that justice will be done to these our citizens, and that without a delay which would be ruinous to them. We wish authority to be given to the Minister of France here to pay the just demands of our citizens, out of the monies he may receive from us.

During the fluctuating state of the *assignats* of France, I must ask the favor of you to inform me, in every letter, of the rate of exchange between them and coin, this being necessary for the regulation of our Custom-Houses.

Congress closed its session on the 2nd instant. You will see their acts in the newspapers forwarded to you, and the body of them shall be sent as soon as the octavo edition is printed. We are to hold a treaty with the western Indians in the ensuing month of May, but not under very hopeful auspices.

You will perceive by the newspapers, a remarkable fall in the price of our public paper. This is owing chiefly to the extraordinary demand for the produce of our country, and a temporary scarcity of cash to purchase it. The merchants holding public paper are obliged to part with it at any price, to raise money.

I sent you, by the way of London, a dozen plans of the city of Washington in the federal territory, hoping you would have them displayed to public view where they would be most seen by those descriptions of men worthy and likely to be attracted to it. Paris, Lyons, Rouen, and the sea-port towns of Havre, Nantes, Bordeaux, and Marseilles, would be proper places to send some of them. I trust to Mr. Taylor to forward you the newspapers by every direct occasion to France. These are rare at all times, and especially in the winter: and to send them through England would cost too much in postage. To these circumstances, as well, probably, as to some miscarriages, you must ascribe the length of intervals sometimes experienced in the receipt of your papers.

I have the honor to be, with great esteem and respect, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXXXVI.

TO GOUVERNEUR MORRIS.

Philadelphia, March 15, 1793.

Dear Sir,

The President has seen with satisfaction, that the Ministers of the United States in Europe, while they have avoided an useless commitment of their nation on the subject of the Marquis de la Fayette, have nevertheless shown themselves attentive to his situation. The interest which the President himself, and our citizens in general, take in the welfare of this gentleman, is great and sincere, and will entirely justify all prudent efforts to serve him. I am therefore to desire, that you will avail yourself of every opportunity of sounding the way towards his liberation, of finding out whether those in whose power he is are very tenacious of him, of insinuating through such channels as you shall think suitable, the attentions of the government and people of the United States to this object, and the interest they take in it, and of procuring his liberation by informal solicitations, if possible. But if formal ones be necessary, and the moment should arrive when you shall find that they will be effectual, you are authorized to signify through such channel as you shall find suitable, that our government and nation, faithful in their attachments to this gentleman for the services he has rendered them, feel a lively interest in his welfare, and will view his liberation as a mark of consideration and friendship for the United States, and as a new motive for esteem and a reciprocation of kind offices toward the power to whom they shall be indebted for this act.

A like letter being written to Mr. Pinckney, you will of course take care, that however you may act through different channels, there be still a sufficient degree of concert in your proceedings.

I am, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

Th: Jefferson

LETTER CXXXVII.

TO MR. PINCKNEY.

Philadelphia, March 16, 1793.

Dear Sir,

I wrote you on the 30th of December, and again a short letter on the 1st of January, since which I have received yours of October the 2nd and 5th, November the 6th and 9th, and December the 13th, 14th, 15th. I now enclose you the Treasurer's second of exchange for twenty-four thousand seven hundred and fifty guilders, to be employed in the purchase of copper for the mint, from Sweden, or wherever else it can be got on the best terms; the first of exchange having been enclosed in my letter of December the 30th.

I am in hopes you will have been able to enter into proper arrangements with the British Minister for the protection of our seamen from impressment, before the preparations for war shall have produced inconvenience to them. While he regards so minutely the inconveniences to themselves which may result from a due regulation of this practice, it is just he should regard our inconveniences also, from the want of it. His observations in your letter imply merely, that if they should abstain from injuring us, it might be attended with inconvenience to themselves.

You ask, what should be your conduct, in case you should at any time discover negotiations to be going on, which might eventually be interesting to us. The nature of the particular case will point out what measures, on your part, would be the most for our interest, and to your discretion we must refer the taking such measures, without waiting for instructions, where circumstances would not admit of such a delay. A like necessity to act may arise on other occasions. In the changeable scenes, for instance, which are passing in Europe, were a moment to offer when you could obtain any advantage for our commerce, and especially in the American colonies, you are desired to avail us of it to the best advantage, and not to let the occasion slip by for want of previous instruction.

You ask, what encouragements are given to emigrants by the several States. No other than a permission to become citizens, and to participate of the rights of citizens, except as to eligibility to certain offices in the government. The rules, as to these, are not uniform in the states. I have found it absolutely impracticable to obtain, even for my office, a regular transmission of the laws of the several States : consequently, it would be more so to furnish them to our ministers abroad. You will receive by this or the first proper conveyance, those of Congress, passed at their last session.

It is impossible for me to give any authority for the advance of monies to Mr. Wilson. Were we to do it in his case, we should, on the same principles, be obliged to do it in several others wherein foreign nations decline or delay doing justice to our citizens. No law of the United States would cover such an act of the executive ; and all we can do legally is, to give him all the aid which our patronage of his claims with the British court can effect.

With respect to the payment of your allowances, as the laws authorize the payment of a given number of dollars to you, and as your duties place you in London, I suppose we are to pay you *the dollars* there, or other money of equal value, estimated by the par of the metals. Such has, accordingly, been the practice ever since the close of the war. Your powers to draw on our bankers in Holland, will leave you the master of fixing your drafts by this standard.

The transactions of Europe are now so interesting, that I should be obliged to you, every week, to put the Leyden gazettes of the week under cover to me ; and put them into such ship's bag as shall be first coming to any port north of North Carolina.

Mr. Barclay's death is just made known to us, and measures are taking in consequence of it.

You will perceive by the newspapers, a remarkable fall in the price of our public paper. This is owing chiefly to the extraordinary demand for the produce of our country, and a temporary scarcity of cash to purchase it. The merchants holding public paper are obliged to part with it at any price, to raise money.

I am, with much respect, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXXXVIII.

TO COLONEL HUMPHREYS.

Philadelphia, March 21, 1793.

SIR,

The death of Admiral Paul Jones first, and afterwards of Mr. Barclay, to whom the mission to Algiers, explained in the enclosed papers, was successively confided, have led the President to desire you to undertake the execution of it in person. These papers, being copies of what had been delivered to them, will serve as your guide. But Mr. Barclay having been also charged with a mission to Morocco, it will be necessary to give you some trouble with respect to that also.

Mr. Nathaniel Cutting, the bearer hereof, is despatched specially, first to receive from Mr. Pinckney in London any papers or information, which his agency in the Algerine business may have enabled him to communicate to you: he will then proceed to deliver the whole to you, and accompany and aid you in the character of secretary.

It is thought necessary that you should, in the first instance, settle Mr. Barclay's accounts respecting the Morocco mission, which will probably render it necessary that you should go to Gibraltar. The communications you have had with Mr. Barclay in this mission, will assist you in your endeavors at a settlement. You know the sum received by Mr. Barclay on that account, and we wish as exact a statement as can be made of the manner in which it has been laid out, and what part of its proceeds is now on hand. You will be pleased to make an inventory of these proceeds now existing. If they or any part of them can be used for the Algerine mission, we would have you by all means apply them to that use, debiting the Algerine fund and crediting that of Morocco with the amount of such application. If they cannot be so used, then dispose of the perishable articles to the best advantage, and if you can sell those not perishable for what they cost, do so, and what you cannot so sell, deposite in any safe place under your own power. In this last stage of the business, return us an exact account, 1. of the specific articles remaining on hand for that mission, and their value. 2. Of its cash on hand. 3. Of any money which may be due to or from Mr. Barclay or any other person on account of this mission: and take measures for replacing the clear balance of cash in the hands of Messrs. W. and J. Willincks, and Nicholas and Jacob Van Staphorsts and Hubard.

This matter being settled, you will be pleased to proceed on the mission to Algiers. This you will do by the way of Madrid, if you think any information you can get from Mr. Carmichael or any other, may be equivalent for the trouble, expense, and delay of the journey. If not, proceed in whatever other way you please to Algiers.

Proper powers and credentials for you, addressed to that government, are herewith enclosed. The instructions first given to Admiral Paul Jones are so full that no others need be added, except a qualification in one single article, to wit: should that government finally reject peace on the terms in *money*, to which you are authorized to go, you may offer to make the first payments for peace and that for ransom in *naval stores*, reserving the right to make the subsequent annual payments in money.

You are to be allowed your travelling expenses, your salary as minister resident in Portugal going on. Those expenses must be debited to the Algerine mission, and not carried into your ordinary account as resident. Mr. Cutting is allowed one hundred dollars a month and his expenses, which, as soon as he joins you, will of course be consolidated with yours. We have made choice of him as particularly qualified to aid, under your direction, in the matters of account, with which he is well acquainted. He receives here an advance of one thousand dollars, by a draft on our bankers in Holland, in whose hands the fund is deposited. This, and all other sums furnished him, to be debited to the Algerine fund. I enclose you a letter to our bankers giving you complete authority over these funds, which you had better send with your first draft, though I send a copy of it from hence by another opportunity.

This business being done, you will be pleased to return to Lisbon, and to keep yourself and us, thereafter, well informed of the transactions in Morocco; and as soon as you shall find that the succession to that government is settled and stable, so that we may know to whom a commissioner may be addressed, be so good as to give us the information, that we may take measures in consequence.

I have the honor to be, with much respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CXXXIX.

TO COLONEL HUMPHREYS.

Philadelphia, March 22, 1793.

Dear Sir,

I have to acknowledge the receipt of your letters from No. 60 to 67, inclusive. You cannot be too vigilant against any such treaty as that mentioned in No. 60, which by giving the exclusive supply of wheat to Naples, would altogether debar the United States from it. This would bear so hard on us, that not only an exclusion of their wines from the United States ought to be expected on their part, but every other measure which might open to us a market *in any other part of the world,* however Portugal might be affected by it. And I must for ever repeat it, that, instead of excluding our *wheat,* we must continue to hope that they will open their ports to our *flour,* and that you will continue to use your efforts, on every good occasion, to obtain this without waiting for a treaty.

As there appears at present a probability of a very general war in Europe, you will be pleased to be particularly attentive to preserve for our vessels all the rights of neutrality, and to endeavor that our flag be not usurped by others to procure to themselves the benefits of our neutrality. This usurpation tends to commit us with foreign nations, to subject those vessels truly ours to rigorous scrutinies and delays to distinguish them from counterfeits, and to take the business of transportation out of our hands.

Continue, if you please, your intelligence relative to the affairs of Spain, from whence we learn nothing but through you: to which it will be acceptable that you add any leading events from other countries, as we have several times received important facts through you, even from London, sooner than they have come from London directly.

The letters enclosed for Mr. Carmichael and Mr. Short are of a very secret nature. If you go by Madrid, you will be the bearer of them yourself; if not, it would be better to retain them than to send them by any conveyance which does not command your entire confidence. I have never yet had a letter from Mr. Carmichael but the one you brought from Madrid. A particular circumstance will occasion forbearance yet a little longer.

Captain Cutting will bring you a copy of the laws of the last session of Congress, and of the gazettes to the time of his departure.

Not yet knowing the actual arrival of Mr. Church at Lisbon, I believe it will be safer that I direct letters for you, during your absence, to Messrs. Bulkeley and son, with whom you will leave what directions on the subject you shall think proper.

I am, with great and sincere esteem and respect, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXL.*

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, March 23, 1793.

GENTLEMEN,

It is intimated to us in such a way as to attract our attention, that France means to send a strong force early this spring to offer independence to the Spanish American colonies, beginning with those on the Mississippi; and that she will not object to the receiving those on the east side into our confederation. Interesting considerations require, that we should keep ourselves free to act in this case according to circumstances, and consequently, that you should not, by any clause of treaty, bind us to guaranty any of the Spanish colonies against their own independence, nor indeed against any other nation. For when we thought we might guaranty Louisiana, on their ceding the Floridas to us, we apprehended it would be seized by Great Britain, who would thus completely encircle us with her colonies and fleets. This danger is now removed by the concert between Great Britain and Spain; and the times will soon enough give independence, and consequently free commerce to our neighbors, without our risking the involving ourselves in a war for them.

I am, with great respect and esteem, your most obedient, humble servant,

TH : JEFFERSON.

† The above meets the approbation of

GEORGE WASHINGTON.

[* This letter was in cipher, but a literal copy of it preserved.]

[† This is in the hand-writing of General Washington.]

LETTER CXLI.

TO MR. HAMMOND.

Philadelphia, April 18, 1793.

Sir,

I have now the honor to enclose you the answer of the Attorney General to my letter covering yours of March the 12th, on the case of Hooper and Pagan, wherein he has stated the proceedings of Pagan for obtaining a writ of error from the Supreme Court of the United States, for revisal of the judgment of the inferior court pronounced against him; and, also, his opinion on the merits of the question, had the writ of error been procured, and the merits thereby been brought into question. From this statement you will be able to judge whether Pagan has, *bonâ fide*, complied with the rule which requires that a foreigner, before he applies for extraordinary interposition, should use his best endeavors to obtain the justice he claims from the ordinary tribunals of the country. You will perceive also, that had the writ been pressed for and obtained, and the substantial justice of Pagan's claim thereby brought into dicussion, substantial justice would have been against him, according to the opinion of the Attorney General, according to the uniform decisions of the courts of the United States, even in the cases of their own citizens, and according to the decision of this very case in the British provincial court, where the evidence was taken and the trial first had. This does not appear then to be one of those cases of gross and palpable wrong, ascribable only to wickedness of the heart, and not to error of the head, in the judges who have decided on it, and founding a claim of national satisfaction. At least, that it is so, remains yet to be demonstrated.

The readiness with which the government of the United States has entered into inquiries concerning the case of Mr. Pagan, even before that case was ripe for their interposition, according to ordinary rules, will, I hope, satisfy you that they would, with equal readiness, have done for the redress of his case whatever the laws and constitution would have permitted them to do, had it appeared in the result that their courts had been guilty of partiality or other gross wrong against Mr. Pagan. On the contrary, it is hoped, that the marked attentions which have been shown to him by the government of Massachusetts, as well as by that of the United States, have evinced the most scrupulous dispositions to patronize and effectuate his right, had right been on his side.

I have the honor to be, with due respect, Sir, your most humble servant,

Th: Jefferson.

[The letter of the Attorney General, referred to in the preceding.]

TO THE SECRETARY OF STATE.

Philadelphia, April 12, 1793.

SIR,

You will perceive from the two letters marked A. and B. of which I enclose copies, that the subject of Mr. Pagan has been for some time in my view. The former of those letters being intended for you, and containing a summary of facts, I determined to show it to Mr. Tilghman, who was Pagan's counsel, before it was sent to you, in order that he might correct any misstatement. This produced the latter letter from him to me; and I have thought it more advisable to forward both of them to you even in the unfinished state of my own, than to reduce the case into a form which might be supposed to be less accurate.

As I do not discover an essential difference between Mr. Tilghman and myself, I shall not discuss any seeming variance, but proceed upon his ideas.

It is too obvious to require a diffusive exposition, that the application for a writ of error was not only prudent, but a duty in Pagan. To this Mr. Tilghman explicitly assents, when he says, that he was perfecily 'satisfied of the prudence of applying for the writ of error, as Pagan could not complain of a defect of justice, until he had tried the writ of error and found that mode ineffectual.' This remark becomes the more important, as it manifests that the process was not suggested as an expedient for shifting any burthen from the government. Indeed I may with truth add, that the proceedings, taken collectively, appeared to me to present a sufficient intimation of the main question, to serve as a ground of decision.

However, take the case under either aspect; as excluding the consideration of the main question by an omission in the pleadings and record; or as exhibiting it fully to the cognizance of the court.

It never was pretended that a writ of error ought to have been granted, unless the matter was apparent on the record. Whose office was it to make it thus apparent? Of the attorney who managed the pleadings. If, therefore, he has failed to do so, we may presume that he considered the ground untenable, or was guilty of inattention. Either presumption would be fatal to a citizen of the United States; and the condition of a foreigner cannot create a new measure in the administration of justice. It is moreover certain, that those who have been consulted on Pagan's behalf, as well as others, have seriously doubted whether a cause, which has been pursued to the extent which his had reached before the commencement of our new government, was susceptible of federal relief.

The last observation opens the inquiry, what remedy ought the Supreme Court of the United States to have administered, even if the question had been fairly before them? My opinion is, that the very merits are against Mr. Pagan. In America, the construction of the armistice has been almost universally to compute the places, within which different times were to prevail, by latitude only. Am I misinformed, that such an interpretation has been pressed by *our* ministers, and not denied by those of London? A second mode has been adopted, by describing a circle, and thereby comprehending longitude as well as latitude: now let either rule be adopted, and the position of the capture in this case will be adverse to Pagan's pretensions.

But what can be exacted from our government, after repeated trials, before various jurisdictions, none of which can be charged with any symptom of impropriety, and upon a subject, which, to say no more, is at least equipoised? Nothing; and I appeal to the British reasoning on the Silesia loan, as supporting this sentiment, in the following passage. 'The law of nations, founded upon justice, equity, convenience, and the reason of the thing, and confirmed by long usage, does not allow of reprisals, except in case of violent injuries directed and supported by the State, and justice absolutely denied, in *re minime dubiâ*, by all the tribunals, and afterwards by the prince.' Where the judges are left free, and give sentence according to their consciences, 'though it should be erroneous, that would be no ground for reprisals. Upon doubtful questions, different men think and judge differently; and all a friend can desire is, that justice should be as impartially administered to him, as it is to the subjects of that prince, in whose courts the matter is tried.' Under such circumstances, a citizen must acquiesce. So therefore must Pagan; against whom even the court of Nova Scotia, within the dominions of his sovereign, has once decided.

There are many smaller points, arising from the controversy, which might be relied on. But I pass them over, from a hope that the observations already made will induce you to think with me, that government is not bound to interpose farther in the behalf of Pagan. I have the honor, Sir, to be, with respect and esteem, your most obedient servant,

EDMOND RANDOLPH.

LETTER CXLII.

TO MR. PINCKNEY.

Philadelphia, April 20, 1793.

Dear Sir,

In a postscript to my letter of the 12th, I acknowledged the receipt of yours of January the 3rd ; since which, those of January the 30th and February the 5th have been received by the William Penn.

With respect to our negotiation with Mr. Hammond, it is exactly in the state in which it was when you left America, not one single word having been received in reply to my general answer, of which you had a copy. He says, he waits for instructions, which he pretends to expect from packet to packet. But sometimes the ministers are all in the country, sometimes they are absorbed in negotiations nearer home, sometimes it is the hurry of impending war, or attention to other objects, the stock of which is inexhaustible, and can therefore never fail those who desire nothing but that things shall rest as they are. Perhaps, however, the present times may hasten justice.

We shall be glad to receive the assayer you hope to procure, as soon as possible, for we cannot get one in this country equal to the business in all its parts. With respect to Mr. Droz, we retain the same desire to engage him, but we are forced to require an immediate decision, as the officer employed in the interim, and who does tolerably well, will not continue much longer under an uncertainty of permanent employment. I must therefore desire you to press Mr. Morris to bring Droz to an immediate determination ; and we place the matter on this ground with him, that if he is not embarked by the first day of July next, we shall give a permanent commission to the present officer, and be free to receive no other. We are likely to be in very great distress for copper for the mint, and must therefore press your expediting what we desired you to order from Sweden.

You may, on every occasion, give assurances which cannot go beyond the real desires of this country, to preserve a fair neutrality in the present war, on condition that the rights of neutral nations are respected in us, as they have been settled in *modern* times, either by the express declarations of the powers of Europe, or their adoption of them on particular occasions. From our treaties with France and Holland, and that of England and France, a very clear and simple line of conduct can be marked out for us, and I think we are not unreasonable in expecting that England shall recognise towards us the same principles which she has stipulated to recognise towards France, in a state of neutrality.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXLIII.

CIRCULAR TO MESSRS. MORRIS, PINCKNEY, AND SHORT.

Philadelphia, April 26, 1793.

SIR,

The public papers giving us reason to believe that the war is becoming nearly general in Europe, and that it has already involved nations with which we are in daily habits of commerce and friendship, the President has thought it proper to issue the proclamation of which I enclose you a copy, in order to mark out to our citizens the line of conduct they are to pursue. That this intimation, however, might not work to their prejudice, by being produced against them as conclusive evidence of their knowledge of the existence of war and of the nations engaged in it, in any case where they might be drawn into courts of justice for acts done without that knowledge, it has been thought necessary to write to the representatives of the belligerent powers here, the letter of which a copy is also enclosed, reserving to our citizens those immunities to which they are entitled, till authentic information shall be given to our government by the parties at war, and be thus communicated, with due certainty, to our citizens. You will be pleased to present to the government where you reside this proceeding of the President, as a proof of the earnest desire of the United States to preserve peace and friendship with all the belligerent powers, and to express his expectation that they will in return extend a scrupulous and effectual protection to all our citizens, wheresoever they may need it, in pursuing their lawful and peaceable concerns with their subjects, or within their jurisdiction. You will, at the same time, assure them, that the most exact reciprocation of this benefit shall be practised by us towards their subjects, in the like cases.

I have the honor to be, with great esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXLIV.

TO M. DE TERNANT.

Philadelphia, April 27, 1793.

Sir,

Your letter of the 13th instant, asking monies to answer the expenses and salaries of the consular offices of France, has been duly laid before the President, and his directions thereon taken.

I have in consequence to observe to you, that before the new government of France had time to attend to things on this side the Atlantic, and to provide a deposite of money for the purposes here, there appeared a degree of necessity that we, as the friends and debtors of that nation, should keep their affairs from suffering, by furnishing money for urgent purposes. This obliged us to take on ourselves to judge of the purpose, because on the soundness of that, we were to depend for our justification. Hence we furnished monies for their colonies and their agents here, without express authority, judging from the importance and necessity of the case, that they would approve of our interference.

But this kind of necessity is now at an end: the government has established a deposite of money in the hands of their minister here, and we have nothing now to do but to furnish the money, which we are in the course of doing, without looking into the purposes to which it is to be applied. Their Minister is to be the judge of these, and to pay it to whom and for what he pleases.

If it be urged that they have appropriated all the money we are furnishing, to other objects, and that you are not authorized to divert any of it to any other purpose, and therefore that you *need a further sum*, it may be answered, that it will not lessen the stretch of authority to add an *unauthorized payment by us* to an *unauthorized application by you;* and that it seems fitter that their Minister should exercise a discretion over their appropriations, standing as he does in a place of confidence, authority, and responsibility, than we who are strangers and unamenable to them. It is a respect we owe to their authority, to leave to those acting under that the transaction of their affairs, without an intermeddling on our part, which might justly appear officious.

In this light I hope you will view our conduct, and that the consular officers will be sensible, that in referring them to your care, under which the national authority has placed them, we do but conform ourselves to that authority.

I have the honor to be, with sentiments of great respect and esteem, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CXLV.

TO M. DE TERNANT.

Philadelphia, May 3, 1793.

Sir,

The Minister Plenipotentiary of his Britannic Majesty has represented to the government of the United States, that on the 25th of April last, the British ship Grange, while lying at anchor in the bay of the Delaware, within the territory and jurisdiction of the United States, was taken possession of by the Embuscade, a frigate of the French republic, has been brought to this port, where she is now detained as prize and the crew as prisoners, and has made a requisition in form, for a restoration of the vessel and liberation of the crew. I have the honor to furnish you with copies of the evidence given in by the British Minister, and to observe, that the United States, being at peace with all parties, cannot see with indifference its territory or jurisdiction violated by either; that the government will therefore proceed to inquire into the facts, and for that purpose will receive with pleasure, and consider with impartiality, any evidence you will be pleased to have them furnished with on the subject: and the President hopes that you will take effectual measures for detaining here the vessel taken, her crew and cargo, to abide the decision which will be made thereon, and which is desired to be without delay.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CXLVI.

TO MR. PINCKNEY.

Philadelphia, May 7, 1793.

Dear Sir,

Since my letter of April the 16th, yours have been received of March the 12th, 12th, 13th, 13th, and 19th. Before the receipt of these, one of which covered the form of your passports, it had been determined here, that passports should be issued in *our own ports* only, as well to secure us against those collusions which would be fraudulent towards our friends, and would introduce a competition injurious to our own vessels, as to induce these to remain in our own service, and thereby give to the productions of our own soil the protection of its own flag in its passage to foreign markets. As our citizens are free to purchase and use *foreign-built* vessels, and these, like all their other lawful property, are entitled to the protection of their government, passports will be issued to them as freely as to *home-built* vessels. This is strictly within our treaties, the letter of which, as well as their spirit, authorizes passports to all vessels *belonging* to citizens of the United States. Our laws, indeed, indulge home-built vessels with the payment of a lower tonnage, and to evidence their right to this, permit them alone to take out registers from our own offices; but they do not exclude foreign-built vessels owned by our citizens from any other right. As our home-built vessels are adequate to but a small proportion of our transportation, if we could not suddenly augment the stock of our shipping, our produce would be subject to war-insurance in the vessels of the belligerent powers, though we remain at peace ourselves.

In one of your letters of March the 13th, you express your apprehension that some of the belligerent powers may stop our vessels going with grain to the ports of their enemies, and ask instructions which may meet the question in various points of view, intending, however, in the mean time, to contend for the amplest freedom of neutral nations. Your intention in this is perfectly proper, and coincides with the ideas of our own government in the particular case you put, as in general cases. Such a stoppage to an unblockaded port would be so unequivocal an infringement of the neutral rights, that we cannot conceive it will be attempted. With respect to our conduct, as a neutral nation, it is marked out in our treaties with France and Holland, two of the belligerent powers: and as the duties of neutrality require an *equal* conduct to both parties, we should, on that ground, act on the same principles towards Great Britain. We presume that this would be satisfactory to her, because of its equality, and because she too has sanctioned the same principles in her treaty with France. Even our seventeenth article with France, which might be disagreeable, as from its nature it is unequal, is adopted exactly by Great Britain in her fortieth article with the same power, and would have laid her, in a like case, under the same uneqal obligations against us. We wish then, that it could be arranged with Great Britain, that our treaties with France and Holland, and that of France and Great Britain (which agree in what respects neutral nations), should form the line of conduct for us all, in the present war, in the cases for which they provide. Where they are silent, the general principles of the law of nations must give the rule, as the principles of that law have been liberalized in latter times by the refinement of manners and morals, and evidenced by the declarations, stipulations, and practice of every civilized nation. In our treaty with Prussia, indeed, we have gone ahead of other nations, in doing away restraints on the commerce of peaceful nations, by declaring that nothing shall be contraband. For in truth, in the present improved state of the arts, when every country has such ample means of procuring arms within and without itself, the regulations of contraband answer no other end than to draw other nations into the war. However, as other nations have not given sanction to this improvement, we claim it, at present, with Prussia alone.

You are desired to persevere till you obtain a regulation to guard our vessels from having their hands impressed, and to inhibit the British navy-officers from taking them under the pretext of their being British subjects. There appears but one practicable rule, that the vessel being American, shall be conclusive evidence that the hands are so to a certain number, proportioned to her tonnage. Not more than one or two officers should be permitted to visit a vessel. Mr. Albion Coxe has just arrived.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXLVII.

TO MR. HAMMOND.

Philadelphia, May 15, 1793.

SIR,

Your several memorials of the 8th instant have been laid before the President, as had been that of the 2nd, as soon as received. They have been considered with all the attention and the impartiality, which a firm determination to do what is equal and right between all the belligerent powers could inspire.

In one of these, you communicate, on the information of the British Consul at Charleston, that the Consul of France at the same place had condemned, as legal prize, a British vessel, captured by a French frigate, and you justly add, that this judicial act is not warranted by the usage of nations, nor by the stipulations existing between the United States and France. I observe further, that it is not warranted by any law of the land. It is consequently a mere nullity; as such it can be respected in no court, can make no part in the title to the vessel, nor give to the purchaser any other security than what he would have had without it. In short, it is so absolutely nothing, as to give no foundation of just concern to any person interested in the fate of the vessel; and in this point of view, Sir, I am in hopes you will see it. The proceeding, indeed, if the British Consul has been rightly informed (and we have no other information of it), has been an act of disrespect towards the United States, to which its government cannot be inattentive: a just sense of our own rights and duties, and the obviousness of the principle, are a security that no inconveniences will be permitted to arise from repetitions of it.

The purchase of arms and military accoutrements by an agent of the French government, in this country, with an intent to export them to France, is the subject of another of the memorials. Of this fact we are equally uninformed as of the former. Our citizens have been always free to make, vend, and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, does not require from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned; and that even private contraventions may work no inequality between the parties at war, the benefits of them will be left equally free and open to all.

The capture of the British ship Grange by the French frigate L'Embuscade has on inquiry been found to have taken place within the bay of Delaware and jurisdiction of the United States, as stated in your memorial of the 2nd instant. The government is, therefore, taking measures for the liberation of the crew and restitution of the ship and cargo.

It condemns, in the highest degree, the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war, and will exert all the means with which the laws and constitution have armed them to discover such as offend herein, and bring them to condign punishment. Of these dispositions I am authorized to give assurances to all the parties, without reserve. Our real friendship for them all, our desire to pursue ourselves the path of peace, as the only one leading surely to prosperity, and our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder, may assure you that our proceedings, in this respect, will be with good faith, fervor, and vigilance. Instructions are consequently given to the proper law officer, to institute such proceedings as the laws will justify, for apprehending and punishing certain individuals of our citizens, suggested to have been concerned in enterprises of this kind, as mentioned in one of your memorials of the 8th instant.

The practice of commissioning, equipping, and manning vessels in our ports, to cruise on any of the belligerent parties, is equally and entirely disapproved; and the government will take effectual measures to prevent a repetition of it. The remaining point in the same memorial is reserved for further consideration.

I trust, Sir, that in the readiness with which the United States have attended to the redress of such wrongs as are committed by their citizens, or within their jurisdiction, you will see proofs of their justice and impartiality to all parties; and that it will insure to their citizens pursuing their lawful business by sea or by land, in all parts of the world, a like efficacious interposition of governing powers to protect them from injury, and redress it, where it has taken place. With such dispositions on both sides, vigilantly and faithfully carried into effect, we may hope that the blessings of peace, on the one part, will be as little impaired, and the evils of war, on the other, as little aggravated, as the nature of things will permit; and that this should be so, is, we trust, the prayer of all.

I have the honor to be, with sentiments of respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXLVIII.*

TO M. DE TERNANT.

Philadelphia, May 15, 1793.

SIR,

Having received several memorials from the British Minister on subjects arising out of the present war, I take the liberty of en-

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[* The parts of this letter which are mere repetitions of what is contained in the preceding, to the British Minister, are omitted.]

closing them to you, and shall add an explanation of the determinations of the government thereon. These will serve to indicate the principles on which it is meant to proceed; and which are to be applied, with impartiality, to the proceedings of both parties. They will form, therefore, as far as they go, a rule of action for them and for us.

In one of these memorials, it is stated, that arms and military accoutrements are now buying up by a French agent in this country, with an intent to export them to France. We have answered, &c. * * * * * *

Another of these memorials complains that the Consul of France at Charleston, has condemned, as legal prize, a British vessel captured by a French frigate, observing that this judicial act is not warranted by the usage of nations nor by the stipulations existing between the United States and France. It is true, &c.

* * * * * * * * *

Our information is not perfect on the subject matter of another of these memorials, which states that a vessel has been fitted out at Charleston, manned there, and partly too with citizens of the United States, received a commission there to cruise against nations at peace with us, and has taken and sent a British vessel into this port. Without taking all these facts for granted, we have not hesitated to express our highest disapprobation of the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war, and to declare, that if the case has happened, or that should it happen, we will exert all the measures with which the laws and constitution have armed us, to discover such offenders and bring them to condign punishment. And that the like conduct shall be observed, should the like enterprises be attempted against your nation, I am authorized to give you the most unreserved assurances.

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The capture of the British ship Grange, by the French frigate L'Embuscade, within the Delaware, has been the subject of a former letter to you. On full and mature consideration, the government deems the capture to have been unquestionably within its jurisdiction, and that according to the rules of neutrality and the protection it owes to all persons while within its limits, it is bound to see that the crew be liberated, and the vessel and cargo restored to their former owners. The Attorney General of the United States has made a statement of the grounds of this determination, a copy of which I have the honor to enclose you. I am, in consequence, charged by the President of the United States to express to you his expectation, and at the same time his confidence, that you will be pleased to take immediate and effectual measures for having the ship Grange and her cargo restored to the British owners, and the persons taken on board her set at liberty.

I am persuaded, Sir, you will be sensible, on mature consideration, that in forming these determinations, the government of the United States has listened to nothing but the dictates of immutable justice: they consider the rigorous exercise of that virtue as the surest means of preserving perfect harmony between the United States and the powers at war.

I have the honor to be, with sentiments of great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXLIX.

TO THE GOVERNOR OF VIRGINIA.

Philadelphia, May 21, 1793.

SIR,

I have been duly honored with your favor of May the 8th, covering the letter of Mr. Newton, and that of May the 13th, with the letter of the British Consul at Norfolk and the information of Henry Tucker, all of which have been laid before the President.

The putting the several harbors of the United States into a state of defence, having never yet been the subject of deliberation and decision with the legislature, and consequently, the necessary monies not having been appropriated or levied, the President does not find himself in a situation competent to comply with the proposition on the subject of Norfolk.

Mr. Newton supposes, that by the treaties with France and Holland, those powers are authorized to arm vessels within our ports. A careful examination of the treaties will show, however, that no such permission has been stipulated therein. Measures are accordingly taken to correct this error as to the past, and others will be taken to prevent a repetition of it. Proceedings are ordered against Mr. Hooper and other American citizens who have participated in any hostilities against nations at peace with the United States, and circular instructions are given to the District Attorneys of the United States, to institute like prosecutions in all future similar cases. The bringing vessels to, of whatever nation, while within the limits of the protection of the United States, will be pointedly forbidden; the government being firmly determined to enforce a peaceable demeanor among all the parties within those limits, and to deal to all the same impartial measure.

I have the honor to be, with the most perfect respect, your Excellency's most obedient and most humble servant,

Th: Jefferson.

LETTER CL.

TO MR. VAN BERCKEL.

Philadelphia, May 29, 1793.

Sir,

I am favored with your note of the 22nd instant, stating that under circumstances of invasion and urgent danger, their High Mightinesses, the States General of the United Netherlands, had found it necessary to lay an embargo on all vessels in their ports; and that an American ship, the Hope, being involved in this general order, the master had claimed an exemption under the eighth article of our treaty, which it had been necessary to refuse him.

I have laid this note before the President of the United States, and have it in charge from him to assure you, that the United States having the utmost confidence in the sincerity and good faith with which their High Mightinesses will observe the treaty between the two countries, feel no dissatisfaction at the circumstance mentioned in your note. They are sensible that in human affairs, there are moments of difficulty and necessity, to which it is the office of friendship to accommodate its strict rights.

The President considers the explanation, which their High Mightinesses have instructed you to give of this incident, as a proof of their desire to cultivate harmony and good understanding with these United States, and charges me to assure you that he has nothing more at heart than to convince their High Mightinesses of the same amicable sentiments on the part of this country, and of the certainty with which they may count on its justice and friendship on every occasion.

I have the honor to be, with great respect and esteem, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CLI.

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, May 31, 1793.

GENTLEMEN,

In my letters of October the 14th and November the 3rd, 1792, I communicated to you papers and observations on the conduct of the Spanish officers on our southwestern frontier, and particularly of the Baron de Carondelet, the Governor of New Orleans. These made it evident that he had industriously excited the southern Indians to war against us, and had furnished them with arms and ammunition in abundance, for that express purpose. We placed this under the view of the commissioners of Spain here, who undertook to communicate it to their court, and also to write on the subject to the Baron de Carondelet. They have lately made us communications from both these quarters; the aspect of which, however, is by no means such as to remove the causes of our dissatisfaction. I send you these commmunications, consisting of treaties between Spain, the Creeks, Choctaws, Chickasaws, and Cherokees, handed us by express order from their court, a speech of Baron de Carondelet to the Cherokees, and a letter from Messrs. de Viar and Jaudenes, covering that speech, and containing in itself very serious matter.

I will first observe to you, that the question stated in that letter to have been proposed to the Cherokees, What part they would take, in the event of a war between the United States and Spain? was never proposed by authority from this government. Its instructions to its agents have, on the contrary, been explicitly to cultivate, with good faith, the peace between Spain and the Indians: and from the known prudence and good conduct of Governor Blount, to whom it is imputed, it is not believed to have been proposed by him. This proposition then, you are authorized to disavow to the court of Madrid, in the most unequivocal terms.

With respect to the treaties, the speech, and the letter, you will see that they undertake to espouse the concerns of Indians within our limits; to be mediators of boundary between them and us; to guaranty that boundary to them; to support them with their whole power; and hazard to us intimations of acquiescence to avoid disagreeable results. They even propose to extend their intermeddlings to the northern Indians. These are pretensions so totally inconsistent with the usages established among the white nations, with respect to Indians living within their several limits, that it is believed no example of them can be produced, in times of peace; and they are presented to us in a manner which we cannot deem friendly. The consequence is, that the Indians, and particularly the Creeks, finding themselves so encouraged, have passed, without the least provocation on our part, from a state of peace, which appeared to be well settled, to that of serious hostility. Their murders and depredations, which, for some months, we were willing to hope were only individual aggressions, now assume the appearance of unequivocal war. Yet such is our desire of courting and cultivating the peace of all our Indian neighbors, that instead of marching at once into their country and taking satisfaction ourselves, we are peaceably requiring punishment of the individual aggressors; and, in the mean time, are holding ourselves entirely on the defensive. But this state of things cannot continue. Our citizens are entitled to effectual protection, and defensive measures are, at the same time, the most expensive and least effectual. If we find then, that peace cannot be obtained by the temperate means we are still pursuing, we must proceed to those which are extreme, and meet all the consequences, of whatever nature, or from whatever quarter, they may be. We have certainly been always desirous to avoid whatever might disturb our harmony with Spain. We should be still more so, at a moment when we see that nation making part of so powerful a confederacy as is formed in Europe, and under particular good understanding with England, our other neighbor. In so delicate a position, therefore, instead of expressing our sense of these things, by way of answer to Messrs. Viar and Jaudenes, the President has thought it better that it should be done to you, and to trust to your discretion the moment, the measure, and the form of communicating it to the court of Madrid. The actual state of Europe at the time you will receive this, the solidity of the confederacy, and especially as between Spain and England, the temper and views of the former, or of both, towards us, the state of your negotiation, are circumstances which will enable you better to decide how far it may be necessary to soften, or even perhaps to suppress, the expressions of our sentiments on this subject. To your discretion, therefore, it is committed by the President, to let the court of Spain see how impossible it is for us to submit with folded arms to be butchered by these savages, and to prepare them to view, with a just eye, the more vigorous measures we must pursue to put an end to their atrocities, if the moderate ones we are now taking should fail of that effect.

Our situation on other accounts and in other quarters is critical. The President is, therefore, constantly anxious to know the state of things with you: and I entreat you to keep him constantly and well informed. Mr. Yznardi, the younger, lately appointed Consul of the United States, at Cadiz, may be a convenient channel of forwarding your letters.

I have the honor to be, with great esteem and respect, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLII.

TO MR. GENET, *Minister Plenipotentiary of France.*

Philadelphia, June 5, 1793.

SIR,

In my letter of May the 15th, to M. de Ternant, your predecessor, after stating the answer which had been given to the several memorials of the British Minister, of May the 8th, it was observed that a part still remained unanswered of that which respected the fitting out armed vessels in Charleston, to cruise against nations with whom we are at peace.

In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the Citizen Genet, had come into this port with a prize: that the President had thereupon taken the case into further consideration, and after mature consultation and deliberation, was of opinion, that the arming and equipping vessels in the ports of the United States to cruise against nations with whom they are at peace, was incompatible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromit their peace; and that he thought it necessary as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States.

The letter of the 27th instant, with which you have honored me, has been laid before the President, and that part of it which contains your observations on this subject has been particularly attended to. The respect due to whatever comes from you, friendship for the French nation, and justice to all, have induced him to re-examine the subject, and particularly to give your representations thereon the consideration they deservedly claim. After fully weighing again, however, all the principles and circumstances of the case, the result appears still to be, that it is the *right* of every nation to prohibit acts of sovereignty from being exercised by any other within its limits; and the *duty* of a neutral nation to prohibit such as would injure one of the warring powers; that the granting military commissions within the United States by any other authority than their own, is an infringement on their sovereignty, and particularly so when granted to their own citizens to lead them to acts contrary to the duties they owe their own country; that the departure of vessels thus illegally equipped from the ports of the United States, will be but an acknowledgment of respect analogous to the breach of it, while it is necessary on their part, as an evidence of their faithful neutrality. On these considerations, Sir, the President thinks that the United States owe it to themselves and to the nations in their friendship, to expect this act of reparation on the part of vessels, marked in their very equipment with offence to the laws of the land, of which the law of nations makes an integral part.

The expressions of friendly sentiments which we have already had the satisfaction of receiving from you, leave no room to doubt that, the conclusion of the President being thus made known to you, these vessels will be permitted to give no further umbrage by their presence in the ports of the United States.

I have the honor to be, with sentiments of perfect esteem and respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLIII.

TO MR. HAMMOND.

Philadelphia, June 5, 1793.

SIR,

In the letter which I had the honor of writing you on the 15th of May, in answer to your several memorials of the 8th of that month, I mentioned that the President reserved for further consideration, a part of the one which related to the equipment of two privateers in the port of Charleston. The part alluded to was that wherein you express your confidence that the executive government of the United States would pursue measures for repressing such practices in future, and for restoring to their rightful owners any captures, which such privateers might bring into the ports of the United States.

The President, after a full investigation of this subject and the most mature consideration, has charged me to communicate to you, that the first part of this application is found to be just, and that effectual measures are taken for preventing repetitions of the act therein complained of; but that the latter part, desiring restitution of the prizes, is understood to be inconsistent with the rules which govern such cases, and would, therefore, be unjustifiable towards the other party.

The principal agents in this transaction were French citizens. Being within the United States at the moment a war broke out between their own and another country, they determine to go into its defence; they purchase, arm, and equip a vessel with their own money, man it themselves, receive a regular commission from their nation, depart out of the United States, and then commence hostilities by capturing a vessel. If, under these circumstances, the commission of the captors was valid, the property, according to the laws of war, was by the capture transferred to them, and it would be an aggression on their nation, for the United States to rescue it from them, whether on the high seas or on coming into their ports. If the commission was not valid, and, consequently, the property not transferred by the laws of war to the captors, then the case would have been cognizable in our courts of admiralty, and the owners might have gone thither for redress. So that, on neither supposition, would the executive be justifiable in interposing.

With respect to the United States, the transaction can be in nowise imputed to them. It was in the first moment of the war, in one of their most distant ports, before measures could be provided by the government to meet all the cases which such a state of things was to produce, impossible to have been known, and, therefore, impossible to have been prevented by that government.

The moment it was known, the most energetic orders were sent to every State and port of the Union, to prevent a repetition of the accident. On a suggestion that citizens of the United States had taken part in the act, one, who was designated, was instantly committed to prison, for prosecution; one or two others have been since named, and committed in like manner; and should it appear that there were still others, no measure will be spared to bring them to justice. The President has even gone further. He has required, as a reparation of their breach of respect to the United States, that the vessels so armed and equipped, shall depart from our ports.

You will see, Sir, in these proceedings of the President, unequivocal proofs of the line of strict right which he means to pursue. The measures now mentioned, are taken in justice to the one party; the ulterior measure, of seizing and restoring the prizes, is declined in justice to the other; and the evil, thus early arrested, will be of very limited effects; perhaps, indeed, soon disappear altogether.

I have the honor to be, with sentiments of respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLIV.

TO GOUVERNEUR MORRIS.

Philadelphia, June 13, 1793.

DEAR SIR,

It has long since been observed, that of the three millions of livres given by the court of France to aid us in the commencement of our revolution, one million was unaccounted for by the hands into which it was paid. The date of the payment is fixed to have been the 10th of June, 1776, but to whom it was paid has never been known. Suspicions are, that it was to Beaumarchais; and that with this very money he purchased the supplies furnished us by him, for which large sums have been paid him already, and a further large sum has lately been certified to be due to him as the balance of the account. I enclose you a letter from the Secretary of the Treasury on this subject, with all the papers relative to the same which his office can furnish: and as you are on the spot, I must beg the favor of you to make an immediate and thorough investigation of it. No reasons of State can now exist for covering the transaction longer under mystery.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

[The letter of the Secretary of the Treasury, and other papers, relative to the lost million alluded to in the letter to Mr. Morris.]

TO THE SECRETARY OF STATE.

Treasury Department, June 10, 1793.

Sir,

The comptroller of the Treasury has reported to me, that 'on examining the subsisting contracts between the United States and the government of France and the Farmers General, and a comparison thereof with the foreign accounts and documents transmitted to the Treasury, the following facts appear.

That previous to the treaty of February, 1778, the sum of three millions of livres had been advanced by the government of France to the agents of the United States, under the title of *gratuitous*, for which no reimbursement was to be made.

That the payments, which composed the before-mentioned sum of three millions of livres, are stated, in a letter of Mr. Durival to Mr. Grand, dated in 1786, to have been made at the following periods:

One million delivered by the Royal Treasury the 10th of June, 1776, and two other millions advanced also by the Royal Treasury in 1777, on four receipts of the Deputies of Congress, of the 17th of January, 3rd of April, 10th of June, and 15th of October of the same year.

In the account of Mr. Ferdinand Grand, banker of the United States, the following sums are credited, viz.

1777.—January	31,	500,000 livres.
April	26,	500,000
June	4,	1,000,000
July	3,	500,000
October	10,	500,000
Amount in the whole,		3,000,000 livres.

The Farmers General of France claim a large balance from the United States, on account of one million of livres which they contend was advanced in June, 1777, in consequence of a special contract with Messrs. Franklin and Deane, to be repaid by the delivery of tobacco at certain stipulated prices, and the advance made by the Farmers General is said to be the same money, as is credited by Mr. Grand on the 4th of June, 1777.

After a careful examination of the foreign accounts, it is found that no more than three millions of livres have been credited by any agents of the United States.

An opinion was entertained by the late officers of the Treasury, that the sum claimed by the Farmers General composed a part of the sum supplied as gratuitous aid by the government. Subsequent explanations have however rendered it probable, that, including the claim of the Farmers General, the sum of four millions of livres were in fact received; it is, however, indispensable that it should be known to whom the money was paid.

The most direct mode of obtaining this information will be, to call for copies of the receipts mentioned in Mr. Durival's letter of 1786, and more particularly, a copy of that said to have been given on the 10th of June, 1776.'

And as explanatory of the transaction, he has sent me the documents herewith transmitted.

The most likely conjecture, in my mind, considering the period of the advance and the circumstances of that period, is, that the unaccounted-for million went into the hands of M. de Beaumarchais. The supplies which he furnished to the United States exceeded his own probable resources, besides the imprudence of having hazarded so much at that stage of our affairs upon our ability to pay. And there were many symptoms, at the time, of his having been secretly put in motion by the government.

It is now become urgent, that the truth of the case should be known. An account has recently passed the auditor's office, admitting in favor of M. de Beaumarchais a balance of four hundred and twenty-two thousand two hundred and sixty-five dollars and thirteen cents, with a reservation only of the question of the million. If he has received that million, which has been acknowledged as a free gift from the French government, it is unjust that he should be able to establish a claim against the United States for supplies which must have been the proceeds of that sum. If he has never received the million, every day's suspension of his claim, after the immense delays heretofore incurred, is a grievous hardship upon him. It concerns materially the interests, and more the justice, the credit, and the character of the United States, that as speedy a solution as possible of the enigma may be obtained.

With a view to this, I have the honor to make you the present communication, that you may be pleased to take such steps as shall appear to you the most proper and efficacious to procure, as speedily as the nature of the case will admit, the requisite explanations. With respect, I have the honor to be, &c.

Alexander Hamilton.

Letter from Mr. Grand to —— ——.

Paris, September 9, 1786.

Dear Sir,

The letter you honored me with, covered the copies of three letters which Mr. Thomson wrote you to obtain an explanation of a million which is not to be found in my accounts. I should have been very much embarrassed in satisfying him and proving that I had not put that million in my pocket, had I not applied to M. Durival, who, as you will see by the answer enclosed, informs me that there was a million paid by the Royal Treasury on the 10th of June, 1776. This is the very million about which Mr. Thomson inquires, as I have kept an account of the other two millions, which were also furnished by the Royal Treasury, viz.:

The million in January and April, 1777; the other in July and October of the same year; as well as that furnished by the Farmers General in June, 1777.

Here then are the three millions, exactly, which were given by the King before the treaty of 1778, and that furnished by the Farmers General. Nothing then remains to be known but who received the first million in June, 1776. It could not be by me, who was not charged with the business of Congress until January, 1777. I therefore requested of M. Durival the copy of the receipt for the one million. You have the answer which he returned to me. I wrote to him again, renewing my request, but as the carrier is just setting off, I cannot wait to give you his answer, but you will receive it in my next, if I receive one. In the mean while, I beg you will receive the assurances of the sentiments of respect, with which I have the honor to be, my Dear Sir, your most obedient and most humble servant,

Grand.

Letter from Mr. Durival to Mr. Grand.

Versailles, August 30, 1786.

Sir,

I have received the letter which you did me the honor to write the 28th of this month, touching the advance of a million, which you say was made by the General Farm to the United States of America, the 3rd of June, 1777. I have no knowledge of that advance. What I have verified is, that the King by the contract of the 25th of February, 1783, has confirmed the gratuitous gift which his Majesty had previously made of the three millions hereafter mentioned, viz :

One million delivered by the Royal Treasury the 10th of June, 1776, and two other millions advanced also by the Royal Treasury in 1777, on four receipts of the Deputies of Congress of the 17th of January, 3rd of April, 10th of June, and 15th of October, of the same year. This explanation will, Sir, resolve your doubt touching the advance of the 3rd of June, 1777. I farther recommend to you, Sir, to confer on this subject with Mr. Gojard, who ought to be better informed than us, who have no knowledge of any advances but those made by the Royal Treasury.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

DURIVAL.

Postscript from Mr. Grand.

Paris, September 12, 1786.

I hazard a letter in hopes it may be able to join that of the 9th, at L'Orient, in order to forward to you, Sir, the answer I have just received from Mr. Durival. You will therefore see, Sir, that notwithstanding my entreaty, the Minister himself refuses to give me the copy of the receipts which I asked for. I cannot conceive the reason for this reserve, more especially, since if there has been a million paid, he who received it has kept the account, and must in time be known. I shall hear with pleasure that you have been more fortunate in this respect in America than I have been in France, and repeat to you the assurances of the sentiments of regard, with which I have the honor to be, Sir, your most obedient and most humble servant,

GRAND.

Letter from Mr. Durival to Mr. Grand.

Versailles, September 5, 1786.

I laid before the Count de Vergennes the two letters which you did me the honor to write, touching the three millions, the free gift of which the King has confirmed in favor of the United States of America.

The Minister, Sir, observed, that this gift has nothing to do with the million which Congress may have received from the General Farm, 1777. Consequently he thinks that the receipt which you desire may be communicated to you, cannot satisfy the object of your view, and that it would be useless to give you the copy which you desire.

I have the honor to be, with perfect attachment, Sir, your most obedient, humble servant,

DURIVAL.

Letter from Mr. Durival to Mr. Grand.

Versailles, September 10, 1786.

I have laid before the Count de Vergennes, as you, Sir, seem to desire, the letter which you did me the honor to write yesterday. The Minister persists in the opinion that the receipt, the copy of which you request, has no relation to the business with which you are entrusted on behalf of Congress, and that this price would be useless in the new point of view in which you have placed it. Indeed, Sir, it is easy for you to prove that the money in question was not delivered by the Royal Treasury into your hands, as you did not begin to be charged with the business of Congress until January, 1777, and the receipt is of the date of the 10th of June, 1776.

I have the honor to be, with perfect attachment, Sir, your most obedient and most humble servant,

DURIVAL.

Extract of a letter from Benjamin Franklin to Mr. Grand, banker at Paris, dated Philadelphia, July the 11th, 1786.

'I send you enclosed some letters that have passed between the Secretary of Congress and me, respecting three millions of livres acknowledged to have been received before the treaty of 1778, as *don gratuit*, from the King, of which only two millions are found in your accounts; unless the million from the Farmers General be one of the three. I have been assured that all the money received from the King, whether as loan or gift, went through your hands; and as I always looked on the million we had of the Farmers General to be distinct from what we had of the crown, I wonder how I came to sign the contract acknowledging three millions of gift, when in reality there were only two, exclusive of that from the Farmers. And as both you and I examined the project of the contract before I signed it, I am surprised that neither of us took notice of the error. It is possible that the million furnished ostensibly by the Farmers, was in fact a gift of the crown, in which case, as Mr. Thomson observes, they owe us for the two ship-loads of tobacco they received on account of it. I must earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.'

Letter from Dr. Franklin to Charles Thomson.

Philadelphia, January 25, 1787.

DEAR FRIEND,

You may remember that in the correspondence between us in June last, on the subject of a million, *free gift* of the King of France, acknowledged in our contract to have been received, but which did not appear to be accounted for in our banker's accounts, unless it should be the same with the million said to be received from the Farmers General, I mentioned that an explanation might doubtless be easily obtained, by writing to Mr. Grand or Mr. Jefferson. I know not whether you have accordingly written to either of them. But being desirous that the matter should be speedily cleared up, I wrote myself to Mr. Grand a letter upon it, of which I now enclose a copy with his answer, and several letters from Mr. Durival, who is *chef du bureau des fonds* (and has under his care *la finance*) *des affaires étrangères.* You will see by these letters, that the million in question was delivered to somebody on the 10th of June, 1776, but it does not appear to whom. It is clear that it could not be to Mr. Grand, nor to the commissioners from Congress, for we did not meet in France till the end of December, 1777. That banker was not charged before with our affairs. By the Minister's refusing him a copy of the receipt, I conjecture it must be money advanced for our use to Mr. Beaumarchais, and that it is a *mystère du cabinet*, which perhaps should not be further inquired into, unless necessary to guard against more demands than may be just from that agent: for it may well be supposed that if the court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain.

Pray tell me, has he dropped his demands, or does he still continue to worry you with them?

I should like to have these original letters returned to me, but you may, if you please, keep copies of them.

It is true, the million in question makes no difference in your accounts with the King of France, it not being mentioned or charged as so much lent and repaid, but stood as freely given. Yet if it was put into the hands of any of our agents or ministers, they ought certainly to account for it. I do not recollect whether Mr. Deane had arrived in France before the 10th of June, 1776, but from his great want of money when I joined him a few months after, I hardly think it could have been paid him.

Possibly Mr. Jefferson may obtain the information, though Mr. Grand could not, and I wish he may be directed to make the inquiry, as I know he would do it directly; I mean, if by Hortales and Co.'s further demands, or for any other reason, such an inquiry should be thought necessary.

I am ever, my Dear Friend, yours most affectionately,

BENJAMIN FRANKLIN.

LETTER CLV.

TO GOUVERNEUR MORRIS.

Philadelphia, June 13, 1793.

DEAR SIR,

The insulated state in which France is placed with respect to almost all the world, by the present war, has cut off all means of addressing letters to you through other countries. I embrace the present occasion by a private individual going to France directly, to mention, that since the date of my last public letter, which was April the 24th, and which covered the President's proclamation of April, I have received your Nos. 17 to 24. M. de Ternant notified us of his recall on the 17th of May, and delivered the letter of the Provisory Executive Council to that effect. I now enclose you the President's answer to the Council, which you will be pleased to deliver; a copy of it is also enclosed, open, for your information. Mr. Genet delivered his credentials on the same day on which M. de Ternant took his leave, and was received by the President. He found himself immediately immersed in business, the consequence of this war. The incidents to which that gives daily rise, and the questions respecting chiefly France and England, fill the executive with business, equally delicate, difficult, and disagreeable. The course intended to be pursued being that of a strict and impartial neutrality, decisions rendered by the President rigorously on that principle, dissatisfy both parties, and draw complaints from both. That you may have a proper idea of them, I enclose you copies of several memorials and letters, which have passed between the executive and the ministers of those two countries, which will at the same time develope the principles of the proceedings, and enable you to satisfy them in your communications, should it be necessary. I enclose also the answer given to Mr. Genet, on a proposition from him to pay up the whole of the French debt at once. While it will enable you to explain the impracticability of the operation proposed, it may put it in your power to judge of the answer which would be given to any future proposition to that effect, and perhaps to prevent their being brought forward. The bill lately passed in England, prohibiting the business of this country with France from passing through the medium of England, is a temporary embarrassment to our commerce, from the unhappy predicament of its all hanging on the pivot of London. It will be happy for us, should it be continued till our merchants may establish connections in the countries in which our produce is consumed, and to which it should go directly.

Our commissioners have proceeded to the treaty with the northwestern Indians. They write, however, that the treaty will be a month later than was expected. This delay, should it be extended, will endanger our losing the benefit of our preparations for the campaign, and consequently bring on a delicate question, whether these shall be relinquished for the result of a treaty in which we never had any confidence. The Creeks have proceeded in their depredations till they assume the appearance of formal war. It scarcely seems possible to avoid its becoming so. They are so strong and so far from us, as to make very serious addition to our Indian difficulties. It is very probable that some of the circumstances arising out of our affairs with the Indians, or with the belligerent powers of Europe, may occasion the convocation of Congress at an earlier day than that to which its meeting stands at present.

I send you the forms of the passports given here. The one in three columns is that now used; the other having been soon discontinued. It is determined that they shall be given in our own ports only, and to serve but for one voyage. It has also been determined, that they shall be given to all vessels *bonâ fide* owned by American citizens *wholly*, whether built here or not. Our property, whether in the form of vessels, cargoes, or any thing else, has a right to pass the seas untouched by any nation, by the law of nations; and no one has a right to ask where a vessel was built, but where is she owned? To the security which the law of nations gives to such vessels against all nations, are added particular stipulations with three of the belligerent powers. Had it not been in our power to enlarge our national stock of shipping suddenly in the present exigency, a great proportion of our produce must have remained on our hands for want of the means of transportation to market. At this time, indeed, a great proportion is in that predicament. The most rigorous measures will be taken to prevent any vessel, not wholly and *bonâ fide* owned by American citizens, from obtaining our passports. It is much our interest to prevent the competition of other nations from taking from us the benefits we have a right to expect from the neutrality of our flag; and I think we may be very sure that few, if any, will be fraudulently obtained within our ports.

Though our spring has been cold and wet, yet the crops of small grain are as promising as they have ever been seen. The Hessian fly, however, to the north, and the weavil to the south of the Potomac, will probably abridge the quantity. Still it seems very doubtful whether we shall not lose more for want of the means of transportation, and I have no doubt that the ships of Sweden and Denmark would find full employment here.

We shall endeavor to get your newspapers under the care of Major Read, the bearer of this letter.

I have the honor to be, with great respect and esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLVI.

TO MR. PINCKNEY.

Philadelphia, June 14, 1793.

My last letters to you have been of the 7th of May and 4th instant. Since the last date, yours of April the 15th has come to hand.

I enclose you several memorials and letters which have passed between the executive and the ministers of France and England. These will develope to you the principles on which we are proceeding between the belligerent powers. The decisions being founded in what is conceived to be rigorous justice, give dissatisfaction to both parties, and produce complaints from both. It is our duty, however, to persevere in them, and to meet the consequences. You will observe that Mr. Hammond proposes to refer to his court the determination of the President, that the prizes taken by the Citoyen Genet, could not be given up. The reasons for this are explained in the papers. Mr. Genet had stated that she was manned by French citizens. Mr. Hammond had not stated the contrary before the decision. Neither produced any proofs. It was therefore supposed that she was manned, principally, with French citizens. After the decision, Mr. Hammond denies the fact, but without producing any proof. I am really unable to say how it was; but I believe it to be certain there were very few Americans. He says, the issuing the commission, &c. by Mr. Genet within our territory, was an infringement of our sovereignty; therefore, the proceeds of it should be given up to Great Britain. The infringement was a matter between France and us. Had we insisted on any penalty or forfeiture by way of satisfaction to our insulted rights, it would have belonged to us, not to a third party. As between Great Britain and us, considering all the circumstances explained in the papers, we deemed we did enough to satisfy her. We are moreover assured, that it is the standing usage of France, perhaps too of other nations in all wars, to lodge blank commissions with all their foreign consuls, to be given to every vessel of their nation, merchant or armed; without which a merchant vessel would be punished as a pirate, were she to take the smallest thing of the enemy that should fall in her way. Indeed, the place of the delivery of a commission is immaterial. As it may be sent by letter to any one, so it may be delivered by hand to him any where. The place of *signature* *by the Sovereign* is the material thing. Were that to be done in any other jurisdiction than his own, it might draw the validity of the act into question. I mention these things, because I think it would be proper, that after considering them and such other circumstances as appear in the papers, or may occur to yourself, you should make it the subject of a conversation with the Minister. Perhaps it may give you an opportunity of touching on another subject. Whenever Mr. Hammond applies to our government on any matter whatever, be it ever so new or difficult, if he does not receive his answer in two or three days or a week, we are goaded with new letters on the subject. Sometimes it is the sailing of the packet, which is made the pretext for forcing us into premature and undigested determinations. You know best how far your applications meet such early attentions, and whether you may with propriety claim a return of them: you can best judge too of the expediency of an intimation, that where despatch is not reciprocal, it may be expedient and justifiable that delay should be so.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLVII.

TO MR. GENET.

Philadelphia, June 17, 1793.

SIR,

I shall now have the honor of answering your letter of the 1st instant, and so much of that of the 14th (both of which have been laid before the President) as relates to a vessel armed in the port of New York and about to depart from thence, but stopped by order of the government. And here I beg leave to premise, that the case supposed in your letter, of a vessel arming for her own defence, and to repel unjust aggressions, is not that in question, nor that on which I mean to answer, because not having yet happened, as far as is known to the government, I have no instructions on the subject. The case in question is that of a vessel armed, equipped, and manned in a port of the United States, for the purpose of committing hostilities on nations at peace with the United States.

As soon as it was perceived that such enterprises would be attempted, orders to prevent them were despatched to all the States and ports of the Union. In consequence of these, the Governor of New York, receiving information that a sloop heretofore called the Polly, now the Republican, was fitting out, arming, and manning in the port of New York, for the express and sole purpose of cruising against certain nations with whom we are at peace, that she had taken her guns and ammunition aboard and was on the point of departure, seized the vessel. That the Governor was not mistaken in the previous indications of her object, appears by the subsequent avowal of the citizen Hauterive, Consul of France at that port, who, in a letter to the Governor, reclaims her as 'Un vaisseau armé en guerre, et prêt à mettre à la voile;' and describes her object in these expressions; 'Cet usage étrange de la force publique contre les citoyens d'une nation amie qui se réunissent ici *pour aller defendre leur frères*,' &c. and again; 'Je requiers, monsieur, l'autorité dont vous êtes revêtu, pour faire rendre à des François, à des alliés, &c. la liberté *de voler au secours de leur patrie*.' This transaction being reported to the President, orders were immediately sent to deliver over the vessel, and the persons concerned in the enterprise, to the tribunals of the country; that if the act was of those forbidden by the law, it might be punished; if it was not forbidden, it might be so declared, and all persons apprized of what they might or might not do.

This we have reason to believe is the true state of the case, and it is a repetition of that which was the subject of my letter of the 5th instant, which animadverted, not merely on the single fact of the granting commissions of war by one nation within the territory of another, but on the aggregate of the facts: for it states the opinion of the President to be, 'that the arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to commit their peace.' And this opinion is still conceived to be not contrary to the principles of natural law, the usage of nations, the engagements which unite the two people, nor the proclamation of the President, as you seem to think.

Surely, not a syllable can be found in the last mentioned instrument permitting the preparation of hostilities in the ports of the United States. Its object was to enjoin on our citizens 'a friendly conduct towards all the belligerent powers;' but a preparation of hostilities is the reverse of this.

None of the engagements in our treaties stipulate this permission. The XVIIth article of that of commerce, permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely: but the entry of an armed vessel into a port, is one act; the equipping a vessel in that port, arming her, and manning her, is a different one, and not engaged by any article of the treaty.

You think, Sir, that this opinion is also contrary to the law of nature and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely inquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. Let us appeal to enlightened and disinterested judges. None is more so than Vattel. He says, L. 3, 8, 104. 'Tant qu'un peuple neutre veut jouir surement de cet état, il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au préjudice de l'autre, il ne pourra pas se plaindre, quand celui-ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut être la dupe. Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder.

'Elle se rapport uniquement à la guerre, et comprend deux choses, 1°. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ni troupes, ni armes, ni munitions, ni rien de ce qui sert directement à la guerre. Je dis *ne point donner de secours*, et non pas *en donner également;* car il seroit absurde qu'un état secourût en même tems deux ennemis. Et puis il seroit impossible de le faire avec égalité; les mêmes choses, le même nombre de troupes, la même quantité d'armes, de munitions, &c. fournies en des circonstances différentes, ne forment plus des secours équivalents,' &c. If the neutral power may not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory by the law of nations. Wolf, S. 1174, says, 'Puisque le droit de lever des soldats est un droit de majesté, qui ne peut être violé par une nation étrangère, il n'est pas permis de lever des soldats sur le territoire d'autrui, sans le consentement du maître du territoire.' And Vattel, before cited, L. 3, 8, 15. 'Le droit de lever des soldats appartenant uniquement à la nation, ou au souverain, personne ne peut en envoler en pays étranger sans la permission du soverain: Ceux qui entreprennant d'engager des soldats en pays étranger sans la permission du souverain, et en général quiconque débauche les sujets d'autrui, viole un des droits les plus sacrés du prince et de la nation. C'est le crime qu'on appelle *plagiat*, ou vol d'homme. Il n'est aucun état policé qui ne le punisse très sévérement,' &c. For I choose to refer you to the passage, rather than follow it through all its developements. The testimony of these, and other writers, on the law and usage of nations, with your own just reflections on them, will satisfy you that the United States, in prohibiting all the belligerent powers from equipping, arming, and manning vessels of war in their ports, have exercised a right and a duty, with justice and with great moderation. By our treaties with several of the belligerent powers, which are a part of the laws of our land, we have established a state of peace with them. But without appealing to treaties, we are at peace with them all by the law of nature. For by nature's law, man is at peace with man till some aggression is committed, which, by the same law, authorizes one to destroy another as his enemy. For our citizens then to commit murders and depredations on the members of nations at peace with us, or combine to do it, appeared to the executive, and to those whom they consulted, as much against the laws of the land, as to murder or rob, or combine to murder or rob its own citizens ; and as much to require punishment, if done within their limits, where they have a territorial jurisdiction, or on the high seas, where they have a personal jurisdiction, that is to say, one which reaches their own citizens only, this being an appropriate part of each nation on an element where all have a common jurisdiction. So say our laws, as we understand them ourselves. To them the appeal is made ; and whether we have construed them well or ill, the constitutional judges will decide. Till that decision shall be obtained, the government of the United States must pursue what they think right with firmness, as is their duty. On the first attempt that was made, the President was desirous of involving in the censures of the law as few as might be. Such of the individuals only, therefore, as were citizens of the United States, were singled out for prosecution. But this second attempt being after full knowledge of what had been done on the first, and indicating a disposition to go on in opposition to the laws, they are to take their course against all persons concerned, whether citizens or aliens ; the latter, while within our jurisdiction and enjoying the protection of the laws, being bound to obedience to them, and to avoid disturbances of our peace within, or acts which would commit it without, equally as citizens are.

I have the honor to be, with sentiments of great respect, and esteem, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CLVIII.

TO MR. HAMMOND.

Philadelphia, June 19, 1793.

Sir,

I had the honor to address you a letter on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive and important, and therefore rendered a certain degree of delay in the reply to be expected. But it has now become such as naturally to generate disquietude. The interest we have in the western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part. Permit me, therefore, to ask when I may expect the honor of a reply to my letter, and to assure you of the sentiments of respect, with which I have the honor to be, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CLIX.

TO MESSRS. CARMICHAEL AND SHORT.

Philadelphia, June 30, 1793.

Gentlemen,

I have received from Messrs. Viar and Jaudenes, the representatives of Spain at this place, a letter, which, whether considered in itself, or as the sequel of several others, conveys to us very disagreeable prospects of the temper and views of their court towards us. If this letter is a faithful expression of that temper, we presume it to be the effect of egregious misrepresentations by their agents in America. Revising our own dispositions and proceedings towards that power, we can find in them nothing but those of peace and friendship for them; and conscious that this will be apparent from a true statement of facts, I shall proceed to give you such a one, to be communicated to the court of Madrid. If they find it very different from that conveyed to them by others, they may think it prudent to doubt, and to take and to give time for mutual inquiry and explanation. I shall proceed to give you this statement, beginning it from an early period.

At the commencement of the late war, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their neighborhood to remain strictly neutral. They accordingly strongly pressed it on them, urging that it was a family quarrel with which they had nothing to do, and in which we wished them to take no part: and we strengthened these recommendations by doing them every act of friendship and good neighborhood, which circumstances left in our power. With some, these solicitations prevailed; but the greater part of them suffered themselves to be drawn into the war against us. They waged it in their usual cruel manner, murdering and scalping men, women, and children, indiscriminately, burning their houses, and desolating the country. They put us to vast expense, as well by the constant force we were obliged to keep up in that quarter, as by expeditions of considerable magnitude which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation or pretence of injury. They had added greatly to the cost of that war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former government were generally ill defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled; and notwithstanding our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money which have been regularly paid, and were equal to the prices for which they have usually sold their lands.

Sensible, as they were, of the wrong they had done, they expected to make some indemnification, and were, for the most part, satisfied with the mode and measure of it. In one or two instances, where a dissatisfaction was observed to remain as to the boundaries agreed on, or doubts entertained of the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be susceptible of it. This was particularly the case with the Creeks. They complained of an inconvenient cession of lands on their part, and by persons not duly representing their nation. They were therefore desired to appoint a proper deputation to revise their treaty; and that there might be no danger of any unfair practices, they were invited to come to the seat of the General Government, and to treat with that directly. They accordingly came. A considerable proportion of what had been ceded, was on the revision yielded back to them, and nothing required in lieu of it: and though they would have been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well. Their nation, too, would have been satisfied, for they were conscious of their aggression, and of the moderation of the indemnity with which we had been contented. But at that time came among them an adventurer of the name of Bowles, who, acting from an impulse with which we are unacquainted, flattered them with the hope of some foreign interference, which should undo what had been done, and force us to consider the naked grant of their peace as a sufficient satisfaction for their having made war on us. Of this adventurer the Spanish government rid us: but not of his principles, his practices, and his excitements against us. These were more than continued by the officers commanding at New Orleans and Pensacola, and by agents employed by them and bearing their commission. Their proceedings have been the subject of former letters to you, and proofs of these proceedings have been sent to you. Those, with others now sent, establish the facts, that they called assemblies of the southern Indians, openly persuaded them to disavow their treaties, and the limits therein established, promised to support them with all the powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quantities for the avowed purpose of committing hostilities on us, and promised them future supplies to their utmost need. The Chickasaws, the most steady and faithful friends of these States, have remained unshaken by these practices. So also have the Chocktaws, for the most part. The Cherokees have been teazed into some expressions of discontent, delivered only to the Spanish Governors, or their agents; while to us, they have continued to speak the language of peace and friendship. One part of the nation only, settled at Cuckamogga and mixed with banditti and outcasts from the Shawanese and other tribes, acknowledging control from none, and never in a state of peace, have readily engaged in the hostilities against us to which they were encouraged. But what was much more important, great numbers of the Creeks, chiefly their young men, have yielded to these incitements, and have now, for more than a twelvemonth, been committing murders and desolations on our frontiers. Really desirous of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, insomuch that few instances of retaliation have occurred even from our suffering citizens; we have multiplied our gratifications to them, fed them when starving from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine and must have perished in great numbers, we carried into their country and distributed among them, gratuitously, ten thousand bushels of corn; and that too, at the same time, when their young men were daily committing murders on helpless women and children, on our frontiers. And though these depredations now involve more considerable parts of the nation, we are still demanding punishment of the guilty individuals, and shall be contented with it. These acts of neighborly kindness and support on our part, have not been confined to the Creeks, though extended to them in much the greatest degree. Like wants among the Chickasaws had induced us to send them also, at first, five hundred bushels of corn, and afterwards, fifteen hundred more. Our language to all the tribes of Indians has constantly been, to live in peace with one another, and in a most especial manner, we have used our endeavors with those in the neighborhood of the Spanish colonies, to be peaceable towards those colonies. I sent you on a former occasion the copy of a letter from the Secretary at War to Mr. Seagrove, one of our agents with the Indians, in that quarter, merely to convey to you the general tenor of the conduct marked out for those agents: and I desired you, in placing before the eyes of the Spanish ministry the very contrary conduct observed by their agents here, to invite them to a reciprocity of good offices with our Indian neighbors, each for the other, and to make our common peace the common object of both nations. I can protest that such have hitherto been the candid and zealous endeavors of this government, and that if its agents have in any instance acted in another way, it has been equally unknown and unauthorized by us, and that, were even probable proofs of it produced, there would be no hesitation to mark them with the disapprobation of the government. We expected the same friendly condescension from the court of Spain, in furnishing you with proofs of the practices of the Governor De Carondelet in particular practices avowed by him, and attempted to be justified in his letter.

In this state of things, in such dispositions towards Spain and towards the Indians, in such a course of proceedings with respect to them, and while negotiations were instituted at Madrid for arranging these and all other matters which might affect our friendship and good understanding, we received from Messrs. de Viar and Jaudenes their letter of May the 25th, which was the subject of mine of May the 31st, to you; and now again we have received that of the 18th instant, a copy of which is enclosed. This letter charges us, and in the most disrespectful style, with

1. Exciting the Chickasaws to war on the Creeks.
2. Furnishing them with provisions and arms.
3. Aiming at the occupation of a post at the *Ecores Amargas.*
4. Giving medals and marks of distinction to several Indians.
5. Meddling with the affairs of such as are allies of Spain.
6. Not using efficacious means to prevent these proceedings.

I shall make short observations on these charges.

1. Were the first true, it would not be unjustifiable. The Creeks have now a second time commenced against us a wanton and unprovoked war, and the present one in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing out of the common course of proceeding, then, for us to engage allies, if we needed any for their punishment. But we neither need, nor have sought them. The fact itself is utterly false, and we defy the world to produce a single proof of it. The declaration of war by the Chickasaws, as we are informed was a very sudden thing, produced by the murder of some of their people by a party of Creeks, and produced so instantaneously as to give no body time to interfere, either to promote or prevent a rupture. We had, on the contrary, most particularly exhorted that nation to preserve peace, because in truth we have a most particular friendship for them. This will be evident from a copy of the message of the President to them, among the papers now enclosed.

2. The gift of provisions was but an act of that friendship to them, when in the same distress, which had induced us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe it is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and we suppose not out of their own pockets, and this for purposes of avowed hostility on us; and they have been liberal in promises of further supplies. We have given a few arms to a very friendly tribe, not to make war on Spain, but to defend themselves from the atrocities of a vastly more numerous and powerful people, and one which by a

series of unprovoked and even unrepelled attacks on us, is obliging us to look towards war as the only means left of curbing their insolence.

3. We are aiming, as is pretended, at an establishment on the Mississippi, at the *Ecores Amargas*. Considering the measures of this nature with which Spain is going on, having, since the proposition to treat with us on the subject, established posts at the Walnut Hills and other places for two hundred miles upwards, it would not have been wonderful if we had taken countervailing measures. But the truth is, we have not done it. We wished to give a fair chance to the negotiation going on, and thought it but common candor to leave things *in statu quo*, to make no innovation pending the negotiation. In this spirit we forbid, and deterred even by military force, a large association of our citizens, under the name of the Yazoo companies, which had formed to settle themselves at those very Walnut Hills, which Spain has since occupied. And so far are we from meditating the particular establishment so boldly charged in this letter, that we know not what place is meant by the *Ecores Amargas*. This charge then is false also.

4. Giving medals and marks of distinction to the Indian Chiefs. This is but blindly hinted at in this letter, but was more pointedly complained of in the former. This has been an ancient custom from time immemorial. The medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good offices, conciliatory of their good-will towards us, and not designed to produce a contrary disposition towards others. They confer no power, and seem to have taken their origin in the European practice of giving medals or other marks of friendship to the negotiators of treaties and other diplomatic characters, or visitors of distinction. The British government, while it prevailed here, practised the giving medals, gorgets, and bracelets to the savages, invariably. We have continued it, and we did imagine, without pretending to know, that Spain also did it.

5. We meddle with the affairs of Indians in alliance with Spain. We are perfectly at a loss to know what this means. The Indians on our frontier have treaties both with Spain and us. We have endeavored to cultivate their friendship, to merit it by presents, charities, and exhortations to peace with their neighbors, and particularly with the subjects of Spain. We have carried on some little commerce with them, merely to supply their wants. Spain too has made them presents, traded with them, kept agents among them, though their country is within the limits established as ours at the general peace. However, Spain has chosen to have it

understood that she has some claim to some parts of that country, and that it must be one of the subjects of our present negotiations. Out of respect for her, then, we have considered her pretensions to the country, though it was impossible to believe them serious, as coloring pretensions to a concern with those Indians on the same ground with our own, and we were willing to let them go on till a treaty should set things to rights between us.

6. Another article of complaint is, that we have not used efficacious means to suppress these practices. But if the charge is false, or the practice justifiable, no suppression is necessary.

And lastly, these gentlemen say, that, on a view of these proceedings of the United States with respect to Spain and the Indians, their allies, they foresee that our peace with Spain is very problematical in future. The principal object of the letter being *our* supposed excitements of the Chickasaws against the Creeks, and *their* protection of the latter, are we to understand from this, that if we arm to repulse the attacks of the Creeks on ourselves, it will disturb our peace with Spain? That if we will not fold our arms and let them butcher us without resistance, Spain will consider it as a cause of war? This is, indeed, so serious an intimation, that the President has thought it could no longer be treated with subordinate characters, but that his sentiments should be conveyed to the government of Spain itself, through you.

We love and we value peace: we know its blessings from experience. We abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance and our disposition would have left us free, in the example and indulgence of peace with all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made to it great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition and good understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter to the particular character of the writers, displayed in the peculiarity of the style of their communications, and therefore we have removed the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up. We shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it; we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier, to the last moment, to repair with her to the tribunal of peace and reason.

The President charges you to communicate the contents of this letter to the court of Madrid, with all the temperance and delicacy which the dignity and character of that court render proper; but with all the firmness and self-respect which befit a nation conscious of its rectitude, and settled in its purpose.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLX.

To the Chief Justice and Judges of the Supreme Court of the United States.

Philadelphia, July 18, 1793.

GENTLEMEN,

The war which has taken place among the powers of Europe, produces frequent transactions within our ports and limits, on which questions arise of considerable difficulty, and of greater importance to the peace of the United States. These questions depend for their solution on the construction of our treaties, on the laws of nature and nations, and on the laws of the land; and are often presented under circumstances which do not give a cognizance of them to the tribunals of the country. Yet their decision is so little analogous to the ordinary functions of the executive, as to occasion much embarrassment and difficulty to them. The President would, therefore, be much relieved, if he found himself free to refer questions of this description to the opinions of the judges of the Supreme Court of the United States, whose knowledge of the subject would secure us against errors dangerous to the peace of the United States, and their authority insure the respect of all parties. He has therefore asked the attendance of such judges as could be collected in time for the occasion, to know, in the first place, their opinions, whether the public may with propriety be availed of their advice on these questions. And if they may, to present, for their advice, the abstract questions which have already occurred, or may soon occur, from which they will themselves strike out such as any circumstances might, in their opinion, forbid them to pronounce on.

I have the honor to be, with sentiments of great esteem and respect, Gentlemen, your most obedient, humble servant,

TH: JEFFERSON.

LETTER CLXI.

TO MR. GENET.

Philadelphia, July 24, 1793.

SIR,

Your favor of the 9th instant, covering the information of Silvat Ducamp, Pierre Nouvel, Chouquet de Savarence, Gaston de Nogère, and G. Blustier, that being on their passage from the French West Indies to the United States, on board merchant vessels of the United States with slaves and merchandise, of their property, these vessels were stopped by British armed vessels and their property taken out as lawful prize, has been received.

I believe it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citzens found in our vessels, in the cases above mentioned, and I confess I should be at a loss on what principle to reclaim it. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretence of having enemy goods aboard, have in many instances introduced by their special treaties another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss. But this is altogether the effect of particular treaty, controlling in special cases the general principle of the law of nations, and therefore taking effect between such nations only as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having, in no instance, as far as I recollect, agreed to the modification of letting the property of the goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands, and Russia; and therefore, as to them, our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. Accordingly, you will be pleased to recollect, that in the late case of Holland and Mackie, citizens of the United States, who had laden a cargo of flour on board a British vessel, which was taken by the French frigate L'Ambuscade and brought into this port, when I reclaimed the cargo, it was only on the ground that they were ignorant of the declaration of war when it was shipped. You observed, however, that the 14th article of our treaty had provided that ignorance should not be pleaded beyond two months after the declaration of war, which term had elapsed in this case by some days, and finding that to be the truth, though their real ignorance of the declaration was equally true, I declined the reclamation, as it never was in my view to reclaim the cargo, nor apparently in yours to offer to restore it, by questioning the rule established in our treaty, that enemy bottoms make enemy goods. With England, Spain, Portugal, and Austria, we have no treaties: therefore, we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize, though found in the bottom of a friend. Nor do I see that France can suffer on the whole; for though she loses her goods in our vessels when found therein by England, Spain, Portugal, or Austria, yet she gains our goods when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands, or Prussia: and I believe I may safely affirm that we have more goods afloat in the vessels of these six nations, than France has afloat in our vessels; and consequently, that France is the gainer and we the loser by the principle of our treaty. Indeed, we are losers in every direction of that principle; for when it works in our favor, it is to save the goods of our friends; when it works against us, it is to lose our own; and we shall continue to lose while the rule is only partially established. When we shall have established it with all nations, we shall be in condition neither to gain nor lose, but shall be less exposed to vexatious searches at sea. To this condition we are endeavoring to advance; but as it depends on the will of other nations as well as our own, we can only obtain it when they shall be ready to concur.

I cannot, therefore, but flatter myself, that on revising the cases of Ducamp and others, you will perceive that their losses result from the state of war, which has permitted their enemies to take their goods, though found in our vessels; and consequently, from circumstances over which we have no control.

The rudeness to their persons, practised by their enemies, is certainly not favorable to the character of the latter. We feel for it as much as for the extension of it to our own citizens, their companions, and find in it a motive the more for requiring measures to be taken which may prevent repetitions of it.

I have the honor to be, with great respect, Sir, your most obedient, humble servant,

TH : JEFFERSON.

LETTER CLXII.

TO MR. GENET.

Philadelphia, August 7, 1793.

SIR,

In a letter of June the 5th, I had the honor to inform you that the President, after reconsidering, at your request, the case of vessels armed within our ports to commit hostilities on nations at peace with the United States, had finally determined that it could not be admitted, and desired that all those which had been so armed should depart from our ports. It being understood afterwards, that these vessels either still remained in our ports, or had only left them to cruise on our coasts and return again with their prizes, and that another vessel, the Little Democrat, had been since armed at Philadelphia, it was desired in my letter of the 12th of July, that such vessels, with their prizes, should be detained, till a determination should be had of what was to be done under these circumstances. In disregard, however, of this desire, the Little Democrat went out immediately on a cruise.

I have it now in charge to inform you, that the President considers the United States as bound, pursuant to positive assurances given in conformity to the laws of neutrality, to effectuate the restoration of or to make compensation for prizes, which shall have been made of any of the parties at war with France, subsequent to the fifth day of June last, by privateers fitted out of our ports.

That it is consequently expected, that you will cause restitution to be made of all prizes taken and brought into our ports subsequent to the above mentioned day by such privateers, in defect of which, the President considers it as incumbent upon the United States to indemnify the owners of those prizes; the indemnification to be reimbursed by the French nation.

That besides taking efficacious measures to prevent the future fitting out of privateers in the ports of the United States, they will not give asylum therein to any which shall have been at any time so fitted out, and will cause restitution of all such prizes as shall be hereafter brought within their ports by any of the said privateers.

It would have been but proper respect to the authority of the country, had that been consulted before these armaments were undertaken. It would have been satisfactory, however, if their sense of them, when declared, had been duly acquiesced in. Reparation of the injury to which the United States have been made so involuntarily instrumental is all which now remains, and in this your compliance cannot but be expected.

In consequence of the information given in your letter of the 4th instant, that certain citizens of St. Domingo, lately arrived in the United States, were associating for the purpose of undertaking a military expedition from the territory of the United States, against that island, the Governor of Maryland, within which State the expedition is understood to be preparing, is instructed to take effectual measures to prevent the same.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXIII.

TO GOUVERNEUR MORRIS.

Philadelphia, August 16, 1793.

SIR,

In my letter of January the 13th, I enclosed to you copies of several letters which had passed between Mr. Ternant, Mr. Genet, and myself, on the occurrences to which the present war had given rise within our ports. The object of this communication was to enable you to explain the principles on which our government was conducting itself towards the belligerent parties; principles which might not in all cases be satisfactory to all, but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develope in him a character and conduct so unexpected and so extraordinary, as to place us in the most distressing dilemma, between our regard for his nation, which is constant and sincere, and a regard for our laws, the authority of which must be maintained; for the peace of our country, which the executive magistrate is charged to preserve; for its honor, offended in the person of that magistrate; and for its character grossly traduced, in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolor, in the letters of the Executive Council, in the letter and decrees of the National Assembly, and in the general demeanor of the nation towards us, to ascribe to them things of so contrary a character. Our first duty, therefore, was, to draw a strong line between their intentions and the proceedings of their Minister; our second, to lay those proceedings faithfully before them.

On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the restraints it would impose even *on their dispositions* towards the belligerent powers. Some of them imagined (and chiefly their transient sea-faring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as there was reason to believe. In this state of the public mind, and before it should take an erroneous direction, difficult to be set right and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow citizens that we were in a state of peace with all the belligerent powers, that in that state it was our duty neither to aid nor injure any, to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to; and to put them on their guard also, as to the risks they would run, if they should attempt to carry articles of contraband to any. This proclamation, ordered on the 19th and signed the 22nd day of April, was sent to you in my letter of the 26th of the same month.

On the day of its publication, we received, through the channel of the newspapers, the first intimation that Mr. Genet had arrived on the 8th of the month at Charleston, in the character of Minister Plenipotentiary from his nation to the United States, and soon after, that he had sent on to Philadelphia the vessel in which he came, and would himself perform the journey by land. His landing at one of the most distant ports of the Union from his points both of departure and destination, was calculated to excite attention; and very soon afterwards, we learned that he was undertaking to authorize the fitting and arming vessels in that port, enlisting men, foreigners and citizens, and giving them commissions to cruise and commit hostilities on nations at peace with us; that these vessels were taking and bringing prizes into our ports; that the Consuls of France were assuming to hold courts of admiralty on them, to try, condemn, and authorize their sale as legal prize, and all this before Mr. Genet had presented himself or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace existing, and declared to exist in the President's proclamation, and incumbent on him to preserve till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate. The British minister presented several memorials thereon, to which we gave the answer of May the 15th, heretofore enclosed to you, corresponding in substance with a letter of the same date written to Mr. Ternant, the Minister of France then residing here, a copy of which I send herewith. On the next day Mr. Genet reached this place, about five or six weeks after he had arrived at Charleston, and might have been at Philadelphia, if he had steered for it directly. He was immediately presented to the President, and received by him as the Minister of the Republic; and as the conduct before stated seemed to bespeak a design of forcing us into the war without allowing us the exercise of any free will in the case, nothing could be more assuaging than his assurance to the President at his reception, which he repeated to me afterwards in conversation, and in public to the citizens of Philadelphia in answer to an address from them, that on account of our remote situation and other circumstances, France did not expect that we should become a party to the war, but wished to see us pursue our prosperity and happiness in peace. In a conversation a few days after, Mr. Genet told me that M. de Ternant had delivered him my letter of May the 15th. He spoke something of the case of the Grange, and then of the armament at Charleston, explained the circumstances which had led him to it before he had been received by the government and had consulted its will, expressed a hope that the President had not so absolutely decided against the measure but that he would hear what was to be said in support of it, that he would write me a letter on the subject, in which he thought he could justify it under our treaty; but that if the President should finally determine otherwise, he must submit; for that assuredly his instructions were to do what would be agreeable to us. He accordingly wrote the letter of May the 27th. The President took the case again into consideration, and found nothing in that letter which could shake the grounds of his former decision. My letter of June the 5th notifying this to him, his of June the 8th and 14th, mine of the 17th, and his again of the 22nd, will show what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President.

It would be tedious to pursue this and our subsequent correspondence through all their details. Referring therefore for these to the letters themselves, which shall accompany this, I will present a summary view only of the points of difference which have arisen, and the grounds on which they rest.

1. Mr. Genet asserts his right of arming in our ports and of enlisting our citizens, and that we have no right to restrain him or punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs, from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties; that favors to one to the prejudice of the other would import a fraudulent neutrality, of which no nation would be the dupe; that no succor should be given to either, unless stipulated by treaty, in men, arms, or any thing else directly serving for war; that the right of raising troops being one of the rights of sovereignty, and consequently appertaining exclusively to the nation itself, no foreign power or person can levy men within its territory without its consent; and he who does, may be rightfully and severely punished; that if the United States have a right to refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations Mr. Genet answers, by calling them 'diplomatic subtleties,' and 'aphorisms of Vattel and others.' But something more than this is necessary to disprove them; and till they are disproved, we hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports.

But Mr. Genet says, that the twenty-second article of our treaty allows him *expressly* to arm in our ports. Why has he not quoted the very words of that article *expressly* allowing it? For that would have put an end to all further question. The words of the article are, 'It shall not be lawful for any foreign privateers not belonging to subjects of the M. C. King, nor citizens of the said United States, who have commissions from any foreign Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties.' Translate this from the general terms in which it here stands, into the special case produced by the present war. 'Privateers not belonging to France or the United States, and having commissions from the enemies of one of them,' are, in the present state of things, 'British, Dutch, and Spanish privateers.' Substituting these then for the equivalent terms, it will stand thus, 'It shall not be lawful for British, Dutch, or Spanish privateers, to fit their ships in the ports of the United States.' Is this an *express* permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not; it leaves the question as to France open, and free to be decided according to circumstances. And if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence or implications. Suppose they had desired to stipulate a refusal to their enemies, but nothing to themselves; what form of expression would they have used? Certainly the one they have used; an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words, but with the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could in no case embarrass them. They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the state of things in France when this treaty was made, and we shall find several cases wherein France could not have permitted us to arm in her ports. Suppose a war between these States and Spain. We know, that by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her, therefore, not to deceive us by such a stipulation. Suppose a war between these States and Great Britain. By the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant in this article to give us such a right. She has manifested the same sense of it in her subsequent treaty with England, made eight years after the date of ours, stipulating in the sixteenth article of it, as in our twenty-second, that foreign privateers, *not being subjects of either* *crown*, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation that the subjects of the other crown might arm in her ports *against us*, it would have been in direct contradiction to her twenty-second article with us. So that to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith ; to give them only their negative and natural effect, is to reconcile them to one another and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude then, that the article only obliges us to refuse this right, in the present case, to Great Britain and the other enemies of France. It does not go on to give it to France, either expressly or by implication. We may then refuse it. And since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality to refuse it to that other. The aiding either party then with vessels, arms, or men, being unlawful by the law of nations, and not rendered lawful by the treaty, it is made a question whether our citizens, joining in these unlawful enterprises, may be punished.

The United States being in a state of peace with most of the belligerent powers by treaty, and with all of them by the laws of nature, murders and robberies committed by our citizens within our territory, or on the high seas, on those with whom we are so at peace, are punishable equally as if committed on our own inhabitants. If I might venture to reason a little formally, without being charged with running into 'subtleties and aphorisms,' I would say, that if one citizen has a right to go to war of his own authority, every citizen has the same. If every citizen has that right, then the nation (which is composed of all its citizens) has a right to go to war, by the authority of its individual citizens. But this is not true either on the general principles of society, or by our constitution, which gives that power to Congress alone, and not to the citizens individually. Then the first position was not true ; and no citizen has a right to go to war of his own authority ; and for what he does without right, he ought to be punished. Indeed, nothing can be more obviously absurd than to say, that all the citizens may be at war, and yet the nation at peace.

It has been pretended, indeed, that the engagement of a citizen in an enterprise of this nature, was a divestment of the character of citizen, and a transfer of jurisdiction over him to another sovereign. Our citizens are certainly free to divest themselves of that character by emigration and other acts manifesting their intention, and may then become the subjects of another power, and free to do whatever the subjects of that power may do. But the laws do not admit that the bare commission of a crime amounts of itself to a divestment of the character of citizen, and withdraws the criminal from their coercion. They would never prescribe an illegal act among the legal modes by which a citizen might disfranchise himself; nor render treason, for instance, innocent by giving it the force of a dissolution of the obligation of the criminal to his country. Accordingly, in the case of Henfeild, a citizen of these States, charged with having engaged in the port of Charleston, in an enterprise against nations at peace with us, and with having joined in the actual commission of hostilities, the Attorney General of the United States, in an official opinion, declared, that the act with which he was charged was punishable by law. The same thing has been unanimously declared by two of the Circuit Courts of the United States, as you will see in the charges of Chief Justice Jay, delivered at Richmond, and Judge Wilson, delivered at Philadelphia, both of which are herewith sent. Yet Mr. Genet, in the moment he lands at Charleston, is able to tell the Governor, and continues to affirm in his correspondence here, that no law of the United States authorizes their government to restrain either its own citizens or the foreigners inhabiting its territory, from warring against the enemies of France. It is true, indeed, that in the case of Henfeild, the jury which tried, absolved him. But it appeared on the trial, that the crime was not knowingly and wilfully committed; that Henfeild was ignorant of the unlawfulness of his undertaking; that in the moment he was apprized of it, he showed real contrition; that he had rendered meritorious services during the late war, and declared he would live and die an American. The jury, therefore, in absolving him, did no more than the constitutional authority might have done, had they found him guilty: the constitution having provided for the pardon of offences in certain cases, and there being no case where it would have been more proper than where no offence was contemplated. Henfeild, therefore, was still an American citizen, and Mr. Genet's reclamation of him was as unauthorized as the first enlistment of him.

2. Another doctrine advanced by Mr. Genet is, that our courts can take no cognizance of questions whether vessels, *held by theirs*, as prizes, are lawful prizes or not; that this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the National Assembly into complete courts of admiralty.

Let us consider, first, what is the extent of jurisdiction which the consulates of France may rightfully exercise here. Every nation has of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend on the instrument of cession. The United States and France have, by their consular convention, given mutually to their Consuls jurisdiction in certain cases especially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty within the territory of the other, nor even of deciding the particular question of prize, or not prize. The consulates of France, then, cannot take judicial cognizance of those questions here. Of this opinion Mr. Genet was, when he wrote his letter of May the 27th, wherein he promises to correct the error of the Consul at Charleston, of whom, in my letter of the 15th instant, I had complained, as arrogating to himself that jurisdiction; though in his subsequent letters he has thought proper to embark in the errors of his Consuls.

But the United States, at the same time, do not pretend any right to try the validity of captures made *on the high seas*, by France, or any other nation, over its enemies. These questions belong of common usage to the sovereignty of the captor, and whenever it is necessary to determine them, resort must be had to his courts. This is the case provided for in the seventeenth article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof; a stipulation much insisted on by Mr. Genet and the Consuls, and which we never thought of infringing or questioning. As the validity of captures then, made *on the high seas* by France over its enemies, cannot be tried within the United States by their Consuls, so neither can it by our own courts. Nor is this the question between us, though we have been misled into it.

The real question is, whether the United States have not a right to protect vessels within their waters and on their coasts? The Grange was taken within the Delaware, between the shores of Jersey and of the Delaware State, and several miles above its mouth. The seizing her was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologizing, takes great merit in his letters for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declined cognizance of the case, she was delivered to the French Consul according to my letter of June the 25th, to be kept till the executive of the United States should examine into the case; and Mr. Genet was desired by my letter of June the 29th, to have them furnished with the evidence on behalf of the captors, as to the place of capture. Yet to this day it has never been done. The brig Fanny was alleged to be taken within five miles from our shore; the Catharine within two miles and a half. It is an essential attribute of the jurisdiction of every country to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other of our waters, or on the shores of the United States, the right of redressing is still the same: and humble indeed would be our condition, were we obliged to depend for that on the will of a foreign Consul, or on negotiation with diplomatic agents. Accordingly, this right of protection within its waters and to a reasonable distance on its coasts, has been acknowledged by every nation, and denied to none: and if the property seized be yet within their power, it is their right and duty to redress the wrong themselves. France herself has asserted the right in herself and recognised it in us, in the sixth article of our treaty, where we mutually stipulate that we will, *by all the means in our power* (not by negotiation), protect and defend each other's vessels and effects in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia, and Sweden, have recognised it also in treaties with us; and indeed it is a standing formule, inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.

How, and by what organ of the government, whether judiciary or executive, it shall be redressed, is not yet perfectly settled with us. One of the subordinate courts of admiralty has been of opinion, in the first instance, in the case of the ship William, that it does not belong to the judiciary. Another, perhaps, may be of a contrary opinion. The question is still *sub judice*, and an appeal to the court of last resort will decide it finally. If finally the judiciary shall declare that it does not belong to the *civil* authority, it then results to the executive, charged with the direction of the *military* force of the Union, and the conduct of its affairs with foreign nations. But this is a mere question of internal arrangement between the different departments of the government, depending on the particular diction of the laws and constitution; and it can in no wise concern a foreign nation to which department these have delegated it.

3. Mr. Genet, in his letter of July the 9th, requires that the ship Jane, which he calls an English privateer, shall be immedi-

ately ordered to depart; and to justify this, he appeals to the 22nd article of our treaty, which provides that it shall not be lawful for any foreign *privateer* to fit their ships in our ports, to sell *what they have taken*, or purchase victuals, &c. The ship Jane is an English merchant vessel, which has been many years employed in the commerce between Jamaica and these States. She brought here a cargo of produce from that island, and was to take away a cargo of flour. Knowing of the war when she left Jamaica, and that our coast was lined with small French privateers, she armed for her defence, and took one of those commissions usually called *letters of marque.* She arrived here safely without having had any rencounter of any sort. Can it be necessary to say that a merchant vessel is not a privateer? That though she has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer, than a husbandman following his plough in time of war, with a knife or pistol in his pocket, is thereby made a soldier? The occupation of a privateer is attack and plunder, that of a merchant vessel is commerce and self-preservation. The article excludes the former from our ports, and from selling *what she has taken*, that is what she has acquired by war, to show it did not mean the merchant vessel and what she had acquired by commerce. Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who had a boat, or money enough to buy one, would make her a privateer, our coasts would swarm with them, foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away, our ploughs must be laid aside, and agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term *privateer*. Finding that the Jane had purchased new carriages to mount two or three additional guns, which she had brought in her hold, and that she had opened additional port-holes for them, the carriages were ordered to be relanded, the additional port-holes stopped, and her means of defence reduced, to be exactly the same at her departure as at her arrival. This was done on the general principle of allowing no party to arm within our ports.

4. The seventeenth article of our treaty leaves armed vessels free to *conduct*, whithersoever they please, the ships and goods taken from their enemies without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident,

that this article does not contemplate a freedom *to sell their prizes* here; but on the contrary, a *departure* to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case, it would be as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices; and against this the article provides. But the armed vessels of France have been also admitted to land and sell their prize-goods here for consumption, in which case, it is as reasonable they should pay duties, as the goods of a merchantman landed and sold for consumption. They have however demanded, and as a matter of right, to sell them free of duty, a right, they say, given by this article of the treaty, though the article does not give the right to sell at all. Where a treaty does not give the principal right of selling, the additional one of selling duty free cannot be given: and the laws, in admitting the principal right of selling, may withhold the additional one of selling duty free. It must be observed, that our revenues are raised almost wholly on imported goods. Suppose prize-goods enough should be brought in to supply our whole consumption. According to their construction we are to lose our whole revenue. I put the extreme case to evince, more extremely, the unreasonableness of the claim. Partial supplies would affect the revenue but partially. They would lessen the evil, but not the error, of the construction: and I believe we may say, with truth, that neither party had it in contemplation, when penning this article, to abandon any part of its revenue for the encouragement of the sea-robbers of the other.

5. Another source of complaint with Mr. Genet has been, that the English take French goods out of American vessels, which he says is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle, which subjects merchant vessels to be stopped at sea, searched, ransacked, led out of their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions, in special cases, to the general operation of the law of nations. We have introduced it into our treaties with France, Hol-

land, and Prussia; and French goods found by the two latter nations in American bottoms are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, is a work of time, and in the mean while, they have a right to act on the general principle, without giving to us or to France cause of complaint. Nor do I see that France can lose by it on the whole. For though she loses *her* goods when found in our vessels by the nations with whom we have no treaties, yet she gains *our* goods, when found in the vessels of the same and all other nations: and we believe the latter mass to be greater than the former. It is to be lamented, indeed, that the general principle has operated so cruelly in the dreadful calamity which has lately happened in St. Domingo. The miserable fugitives, who, to save their lives, had taken asylum in our vessels, with such valuable and portable things as could be gathered in the moment out of the ashes of their houses and wrecks of their fortunes, have been plundered of these remains by the licensed sea-rovers of their enemies. This has swelled, on this occasion, the disadvantages of the general principle, that 'an enemy's goods are free prize in the vessels of a friend.' But it is one of those deplorable and unforeseen calamities to which they expose themselves who enter into a state of war, furnishing to us an awful lesson to avoid it by justice and moderation, and not a cause or encouragement to expose our own towns to the same burnings and butcheries, nor of complaint because we do not.

6. In a case like the present, where the missionary of one government construes differently from that to which he is sent, the treaties and laws which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the meaning of their common rules; and reason and usage have established, in such cases, a convenient and well understood train of proceeding. It is the right and duty of the foreign missionary to urge his own constructions, to support them with reasons which may convince, and in terms of decency and respect which may reconcile the government of the country to a concurrence. It is the duty of that government to listen to his reasonings with attention and candor, and to yield to them when just. But if it shall still appear to them that reason and right are on their side, it follows of necessity, that exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions as to whatever is to be done within their limits. The minister then refers the case to his own government, asks new instructions, and, in the mean time, acquiesces in the authority of the

country. His government examines his constructions, abandons them if wrong, insists on them if right, and the case then becomes a matter of negotiation between the two nations. Mr. Genet, however, assumes a new and bolder line of conduct. After deciding for himself ultimately, and without respect to the authority of the country, he proceeds to do what even his sovereign could not authorize, to put himself within the country on a line with its government, to act as co-sovereign of the territory; he arms vessels, levies men, gives commissions of war, independently of them, and in direct opposition to their orders and efforts. When the government forbids their citizens to arm and engage in the war, he undertakes to arm and engage them. When they forbid vessels to be fitted in their ports for cruising on nations with whom they are at peace, he commissions them to fit and cruise. When they forbid an unceded jurisdiction to be exercised within their territory by foreign agents, he undertakes to uphold that exercise, and to avow it openly. The privateers Citoyen Genet and Sans Culottes having been fitted out at Charleston (though without the permission of the government, yet before it was forbidden) the President only required they might leave our ports, and did not interfere with their prizes. Instead, however, of their quitting our ports, the Sans Culottes remains still, strengthening and equipping herself, and the Citoyen Genet went out only to cruise on our coast, and to brave the authority of the country by returning into port again with her prizes. Though in the letter of June the 5th, the final determination of the President was communicated, that no future armaments in our ports should be permitted, the Vainqueur de la Bastille was afterwards equipped and commissioned in Charleston, the Anti-George in Savannah, the Carmagnole in Delaware, a schooner and a sloop in Boston, and the Polly or Republican was attempted to be equipped in New York, and was the subject of reclamation by Mr. Genet, in a style which certainly did not look like relinquishing the practice. The Little Sarah or Little Democrat was armed, equipped, and manned, in the port of Philadelphia, under the very eye of the government, as if meant to insult it. Having fallen down the river, and being evidently on the point of departure for a cruise, Mr. Genet was desired in my letter of July the 12th, on the part of the President, to detain her till some inquiry and determination on the case should be had. Yet within three or four days after, she was sent out by orders from Mr. Genet himself, and is, at this time, cruising on our coasts, as appears by the protest of the master of one of our vessels maltreated by her.

The government thus insulted and set at defiance by Mr. Genet, and committed in its duties and engagements to others, determined still to see in these proceedings but the character of the individual, and not to believe, and it does not believe, that they are by instructions from his employers. They had assured the British Minister here, that the vessels already armed in our ports should be obliged to leave them, and that no more should be armed in them. Yet more had been armed, and those before armed had either not gone away, or gone only to return with new prizes. They now informed him that the order for departure should be enforced, and the prizes made contrary to it should be restored or compensated. The same thing was notified to Mr. Genet in my letter of August the 7th, and that he might not conclude the promise of compensation to be of no concern to him, and go on in his courses, he was reminded that it would be a fair article of account against his nation.

Mr. Genet, not content with using our force, whether we will or not, in the military line against nations with whom we are at peace, undertakes also to direct the civil government; and particularly, for the executive and legislative bodies, to pronounce what powers may or may not be exercised by the one or the other. Thus in his letter of June the 8th, he promises to respect the political opinions of the President, *till the Representatives shall have confirmed or rejected them;* as if the President had undertaken to decide what belonged to the decision of Congress. In his letter of June the 4th, he says more openly, that the President ought not to have taken on himself to decide on the subject of the letter, but that it was of importance enough to have consulted Congress thereon; and in that of June the 22nd, he tells the President in direct terms, that Congress ought already to have been occupied on certain questions which he had been too hasty in deciding: thus making himself, and not the President, the judge of the powers ascribed by the constitution to the executive, and dictating to him the occasion when he should exercise the power of convening Congress at an earlier day than their own act had prescribed.

On the following expressions no commentary shall be made.

July 9. 'Les principes philosophiques proclamés par le Président.'

June 22. 'Les opinions privées ou publiques de M. le Président, et cette égide ne paroissant pas suffisante.'

June 22. 'Le gouvernement fédéral s'est empressé, poussé par je ne sçais quelle influence.'

June 22. 'Je ne puis attribuer des démarches de cette nature qu'a des impressions étrangères dont le tems et la vérité triompheront.'

June 25. 'On poursuit avec acharnement, en vertu des instructions de M. le Président, les armateurs Français.'

June 14. 'Ce refus tend à accomplir le système infernal du roi d'Angleterre, et des autres rois ses accomplices, pour faire périr par la famine les Républicains Français avec la liberté.

June 8. 'La lâche abandon de ses amis.'

July 25. 'En vain le désir de conserver la paix fait-il sacrifier les interêts de la France à cet interêt du moment; en vain la soif des richesses l'emporte-t-elle sur l'honneur dans la balance politique de l'Amérique. Tous ces ménagemens, toute cette condéscendance, toute cette humilité n'aboutissent à rien : nos ennemis en rient, et les Français trop confiants sont punis pour avoir cru que la nation Américaine avoit un pavillon, qu'elle avoit quelque égard pours ses loix, quelque conviction de ses forces, et qu'elle tenoit au sentiment de sa dignité. Il ne m'est pas possible de peindre toute ma sensibilité sur ce scandale, qui tend à la diminution de votre commerce, à l'oppression du nôtre, et à l'abaissement, à l'avilissement des républiques. Si nos concitoyens ont été trompés, si vous n'êtes point en état de soutenir la souveraineté de votre peuple, parlez ; nous l'avons garantie quand nous étions esclaves, nous saurons la rendre rédoubtable étant devenus libres.'

We draw a veil over the sensations which these expressions excite. No words can render them ; but they will not escape the sensibility of a friendly and magnanimous nation, who will do us justice. We see in them neither the portrait of ourselves, nor the pencil of our friends ; but an attempt to embroil both ; to add still another nation to the enemies of his country, and to draw on both a reproach, which it is hoped will never stain the history of either. The written proofs, of which Mr. Genet was himself the bearer, were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their National Convention, the letters of their Executive Council attest this truth, in terms which render it necessary to seek in some other hypothesis, the solution of Mr. Genet's machinations against our peace and friendship.

Conscious, on our part, of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character, opportunities of sallying forth from our ports to way-lay, rob, and murder defenceless merchants and others, who have done us no injury, and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality which bind mankind together, would be an unacceptable offering to a just nation. Recurring then only to recent things, after so afflicting a libel we recollect with satisfaction, that in the course of two years, by unceasing exertions, we paid up seven years' arrearages and instalments of our debt to France, which the inefficiency of our first form of government had suffered to be accumulating: that pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow citizens in France, threatened with famine: that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial: that we have received, according to our best abilities, the wretched fugitives from the catastrophe of the principal town of that colony, who, escaping from the swords and flames of civil war, threw themselves on us naked and houseless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses: that the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unstipulated in our treaties, and unfounded in her own practice or in that of other nations, as we believe; the spirit manifested by the late grand jury in their proceedings against those who had aided the enemies of France with arms and implements of war; the expressions of attachment to his nation, with which Mr. Genet was welcomed on his arrival and journey from south to north, and our long forbearance under his gross usurpations and outrages of the laws and authority of our country, do not bespeak the partialities intimated in his letters. And for these things he rewards us by endeavors to excite discord and distrust between our citizens and those whom they have entrusted with their government, between the different branches of our government, between our nation and his. But none of these things, we hope, will be found in his power. That friendship which dictates to us to bear with his conduct yet a while, lest the interests of his nation here should suffer injury, will hasten them to replace an agent, whose dispositions are such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see too that the case is pressing. That it is impossible for two sovereign and independent authorities to be going on within our territory at the same time, without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious, that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government. It is well known that if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens. Such events are too serious, too possible, to be left to hazard, or to what is more than hazard, the will of an agent whose designs are so mysterious.

Lay the case then immediately before his government. Accompany it with assurances, which cannot be stronger than true, that our friendship for the nation is constant and unabating; that faithful to our treaties, we have fulfilled them in every point to the best of our understanding; that if in any thing, however, we have construed them amiss, we are ready to enter into candid explanations, and to do whatever we can be convinced is right; that in opposing the extravagances of an agent, whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves and justice to others, which cannot but be approved by those who are just themselves; and finally, that after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them.

I have the honor to be, with great respect and esteem, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.*

LETTER CLXIV.

CIRCULAR TO THE MERCHANTS OF THE UNITED STATES.

Philadelphia, August 23, 1793.

GENTLEMEN,

Complaint having been made to the government of the United States, of some instances of unjustifiable vexation and spoliation committed on our merchant vessels by the privateers of the powers at war, and it being possible that other instances may have happened of which no information has been given to the government, I have it in charge from the President to assure the merchants of the United States, concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas or in foreign countries, contrary to the law of nations or to existing treaties: and that on their forwarding hither well authenticated evidence of the same, proper proceedings will be adopted for their relief. The just and friendly dispositions of the several belligerent powers, afford well-founded expectation that they will not hesitate to take effectual measures for restraining their armed vessels from committing aggressions and vexations on our citizens or their property.

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* A copy of the preceding letter was sent, enclosed by the Secretary of State, to Mr. Genet.

There being no particular portion or description of the mercantile body pointed out by the laws for receiving communications of this nature, I take the liberty of addressing it to the merchants of * * * for the State of * * * and of requesting that through them, it may be made known to all those of their State whom it may concern. Information will be freely received either from the individuals aggrieved, or from any associations of merchants who will be pleased to take the trouble of giving it, in a case so interesting to themselves and their country.

I have the honor to be, with great respect, Gentlemen, your most obedient servant,

TH: JEFFERSON.

LETTER CLXV.

TO MR. GORE.

Philadelphia, September 2, 1793.

SIR,

The President is informed through the channel of a letter from yourself to Mr. Lear, that M. Duplaine, Consul of France at Boston, has lately, with an armed force, seized and rescued a vessel from the officer of a court of justice, by process from which she was under arrest in his custody: and that he has in like manner, with an armed force, opposed and prevented the officer, charged with process from a court against another vessel, from serving that process. This daring violation of the laws requires the more attention, as it is by a foreigner clothed with a public character, arrogating an unfounded right to admiralty jurisdiction, and probably meaning to assert it by this act of force. You know that by the law of nations, consuls are not diplomatic characters, and have no immunities whatever against the laws of the land. To put this altogether out of dispute, a clause was inserted in our consular convention with France, making them amenable to the laws of the land, as other inhabitants. Consequently, M. Duplaine is liable to arrest, imprisonment, and other punishments, even capital, as other foreign subjects resident here. The President therefore desires that you will immediately institute such a prosecution against him, as the laws will warrant. If there be any doubt as to the character of his offence, whether of a higher or lower grade, it will be best to prosecute for that which will admit the least doubt, because an acquittal, though it might be founded merely on the opinion that the grade of offence with which he is *charged* is higher than his *act* would support, yet it might be construed by the uninformed to be a judiciary decision against his amenability to the law, or perhaps in favor of the jurisdiction these Consuls are assuming. The process, therefore, should be of the surest kind, and all the proceedings well grounded. In particular, if an arrest, as is probable, be the first step, it should be so managed as to leave room neither for escape nor rescue. It should be attended with every mark of respect, consistent with safe custody, and his confinement as mild and comfortable also, as that would permit. These are the distinctions to which a Consul is entitled, that is to say, of a particular decorum of deportment towards him, indicative of respect to the sovereign whose officer he is.

The President also desires you will immediately obtain the best evidence it shall be in your power to procure, under oath or affirmation, of the transaction stated in your letter, and that in this, you consider yourself as acting as much on behalf of M. Duplaine as the public, the candid truth of the case being exactly that which is desired, as it may be the foundation of an act, the justice of which should be beyond all question. This evidence I shall be glad to receive with as few days, or even hours, of delay as possible.

I am also instructed to ask the favor of you to communicate copies of any memorials, representations, or other written correspondence which may have passed between the Governor and yourself, with respect to the privateers and prizes which have been the subject of your letters to Mr. Lear.

I have the honor to be, with great respect, Sir, your most obedient servant,

TH: JEFFERSON.

LETTER CLXVI.

TO MR. HAMMOND.

Philadelphia, September 5, 1793.

Sir,

I am honored with yours of August the 30th. Mine of the 7th of that month assured you that measures were taking for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes, the Lovely Lass, Prince William Henry, and the Jane of Dublin, and that should the measures for restitution fail in their effect, the President considers it as incumbent on the United States, to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, *by all the means in our power* to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on *the high seas* and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forborne to use *all the measures in our power* for the restitution of the three vessels mentioned in my letter of August the 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June and *before the date of that letter*, yet where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

As to prizes made under the same circumstances, and brought in *after the date of that letter*, the President determined that all the means in our power should be used for their restitution. If these fail us, as we should not be bound by our treaties to make compensation to the other powers, in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States, to use all the means in their power for restoring prizes of this last description, found within their ports. Though they will of course take measures to be informed of them, and the General Government has given them the aid of the Custom House officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself or any person under your direction, in order that the government may use the means in their power, for making restitution. Without knowledge of the capture, they cannot restore it. It will always be best to give the notice to them directly: but any information which you shall be pleased to send to me also, at any time, shall be forwarded to them as quickly as the distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or *compensation*, in the cases *before* the seventh of August, and, *after* that date, *restitution*, if it can be effected by any means in our power: and that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned between the dates of June the 5th and August the 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British Consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the times of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given, accordingly, to the collectors of the customs where the respective vessels are.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXVII.

TO MR. PINCKNEY.

Philadelphia, September 7, 1793.

Sir,

We have received, through a channel which cannot be considered as authentic, the copy of a paper, styled 'Additional instructions to the commanders of his Majesty's ships of war and privateers, &c.' dated at St. James's, June 8, 1793. If this paper be authentic, I have little doubt but that you will have taken measures to forward it to me. But as your communication of it may miscarry, and time in the meanwhile be lost, it has been thought better that it should be supposed authentic: that on that supposition I should notice to you its very exceptionable nature, and the necessity of obtaining explanations on the subject from the British government; desiring at the same time, that you will consider this letter as provisionally written only, and as if never written, in the event that the paper which is the occasion of it be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour, or meal, bound to any port in France, to be stopped, and sent into any British port, to be purchased by that government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country *in amity with his Majesty.*

This article is so manifestly contrary to the law of nations, that nothing more would seem necessary than to observe that it is so. Reason and usage have established that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations, to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual, to go and come freely without injury or molestation, and in short, that the war among others shall be, for them, as if it did not exist. One restriction on their natural rights has been submitted to by nations at peace, that is to say, that of not furnishing to either party implements merely of war for the annoyance of the other, nor any thing whatever to a place blockaded by its enemy. What these implements of war are, has been so often agreed and is so well understood as to leave little question about them at this day. There does not exist, perhaps, a nation in our common hemisphere, which has not made a particular enumeration of them in some or all of their treaties, under the name of contraband. It suffices for the present occasion, to say, that corn, flour, and meal are not of the class of contraband, and consequently remain articles of free commerce. A culture which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

The state of war then existing between Great Britain and France, furnishes no legitimate right either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently, the assumption of it will be as lawful hereafter as now, in peace as in war. No ground, acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time, and at all times. We see then a practice begun, to which no time, no circumstances prescribe any limits, and which strikes at the root of our agriculture, that branch of industry which gives food, clothing, and comfort to the great mass of the inhabitants of these States. If any nation whatever has a right to shut up to our produce all the ports of the earth except her own and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree, at the mere will or interest of another, to have its peaceable industry suspended, and its citizens reduced to idleness and want. The loss of our produce destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will buy your produce. We have a right to answer, that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty. They go to exchange the surplus of one produce which we can spare, for surplusses of other kinds which they can spare and we want; which they can furnish on better terms, and more to our mind, than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessaries and comforts which we may obtain from any other independent country.

This act, too, tends directly to draw us from that state of peace in which we are wishing to remain. It is an essential character of neutrality to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it would be a partiality which might lead to war with France; and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe ; and on what honorable ground could we otherwise explain it ? Thus we should see ourselves plunged by this unauthorized act of Great Britain into a war with which we meddle not, and which we wish to avoid, if justice to all parties and from all parties will enable us to avoid it. In the case where we found ourselves obliged by treaty to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her supplies of provisions, we should in like manner be bound to withhold them from her enemies also ; and thus shut to ourselves all the ports of Europe where corn is in demand, or make ourselves parties in the war. This is a dilemma which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may indeed feel the desire of starving an enemy nation : but she can have no right of doing it at our loss, nor of making us the instruments of it.

The President therefore desires, that you will immediately enter into explanations on this subject with the British government. Lay before them in friendly and temperate terms all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States who may have suffered by it in the mean time. Accompany your representations by every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectations of justice on their part, on a strict observance of it on ours.

It is with concern, however, I am obliged to observe, that so marked has been the inattention of the British court to every application which has been made to them on any subject, by this government (not a single answer I believe having ever been given to one of them, except in the act of exchanging a minister), that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer. Perhaps this is their intention. Still, however, desirous of furnishing no color of offence, we do not wish you to name to them any term for giving an answer. Urge one as much as you can without commitment, and on the first day of December be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress.

The second article of the same instruction allows the armed vessels of Great Britain to seize for condemnation all vessels, on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized, on their first attempt. Of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation, Denmark, Sweden, and the United States alone are neutral. To declare then all *neutral* vessels (for as to the vessels of the *belligerent* powers no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of *Denmark and Sweden*, is exactly to declare *that the vessels of the United States* shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence that the article has avoided naming the United States, since it has used a description applicable to them, and to them alone, while it exempts the others from its operation by name. You will be pleased to ask an explanation of this distinction: and you will be able to say, in discussing its justice, that in every circumstance, we treat Great Britain on the footing of the most favored nation where our treaties do not preclude us, and that even these are just as favorable to her, as hers are to us. Possibly she may be bound by treaty to admit this exception in favor of Denmark and Sweden. But she cannot be bound by treaty to withhold it from us. And if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great Britain during the short course of the present war, as well as the peace which preceded it?

Whether these explanations with the British government shall be verbal or in writing, is left to yourself. Verbal communications are very insecure; for it is only to deny them or to change their terms, in order to do away their effect at any time. Those in writing have as many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are not apprized.

I have the honor to be, with great and sincere esteem, Dear Sir, your most obedient, humble servant,

TH: JEFFERSON.

LETTER CLXVIII.

TO MR. HAMMOND.

Philadelphia, September 9, 1793.

Sir,

I have the honor to acknowledge the receipt of your two memorials of the 4th and 6th instant, which have been duly laid before the President of the United States.

You cannot be uninformed of the circumstances which have occasioned the French squadron now in New York to seek asylum in the ports of the United States. Driven from those where they were on duty, by the superiority of the adverse party in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never learned, and which we believe to be impossible, from the information received of their wants and other impediments to active service. This case has been noted specially, to show that no inconvenience can have been produced to the trade of the other belligerent powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, England, and all other nations have a right to cruise on our coasts; a right not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by a treaty with us, (as she has done also by a treaty with Great Britain, in the event of a war with us or any other nation) two special rights. 1. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles, is secured to her exclusively of her enemies, as is done for her in the like case by Great Britain, were her present war with us instead of Great Britain. 2. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive. As then we are bound by treaty to receive the public armed vessels of France, and are not bound to exclude those of her enemies, the executive has never denied the same right of asylum in our ports to the public armed vessels of your nation. They, as well as the French, are free to come into them in all cases of weather, piracies, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquiries into the nature as well as the degree of the necessities, which drive them hither, as endless as they would be fruitless, and therefore have not made them. And the rather, because there is a third right, secured to neither by treaty, but due to both on the principles of hospitality between friendly nations, that of coming into our ports, not *under the pressure of urgent necessity*, but whenever their comfort or convenience induces them. On this ground, also, the two nations are on a footing.

As it has never been conceived that either would detain their ships of war in our ports when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie still in our ports from year's end to year's end, if they choose it. Thus, then, the public ships of war of both nations enjoy a perfect equality in our ports ; first, in cases of urgent necessity ; secondly, in cases of comfort or convenience ; and thirdly, in the time they choose to continue ; and all a friendly power can ask from another is, to extend to her the same indulgences which she extends to other friendly powers. And though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty made long ago, for valuable considerations, not with a view to the present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed without offence to any ; and we mean faithfully to observe it. The same exclusive article has been stipulated, as was before observed, by Great Britain in her treaty with France, and indeed is to be found in the treaties between most nations.

With respect to the usurpation of admiralty jurisdiction by the Consuls of France, within these States, the honor and rights of the States themselves were sufficient motives for the executive to take measures to prevent its continuance, as soon as they were apprized of it. They have been led by particular considerations to await the effect of these measures, believing they would be sufficient ; but finding at length they were not, such others have been lately taken as can no longer fail to suppress this irregularity completely.

The President is duly sensible of the character of the act of opposition made to the serving of legal process on the brig William Tell, and he presumes the representations made on that subject to the Minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXIX.

TO MR. GENET.

Philadelphia, September 9, 1793.

SIR,

In my letter of June the 25th, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States by the armed vessels of your nation, I undertook to assure you it would be more agreeable to the President, that such vessels should be detained under the orders of yourself or the Consul of France, than by a military guard, until the government of the United States should be able to inquire into and decide on the fact. In two separate letters of the 29th of the same month, I had the honor to inform you of the claims lodged with the executive for the same ship William and the brig Fanny, to enclose you the evidence on which they were founded, and to desire that if you found it just, you would order the vessels to be delivered to the owners; or if overweighed in your judgment by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence: and that the Consuls of France might retain the vessels in their custody, in the mean time, until the executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am, therefore, Sir, to repeat the request of early information on this subject, in order that if any injury has been done those interested, it may be no longer aggravated by delay.

The intention of the letter of June the 25th having been, to permit such vessels to remain in the custody of the Consuls, instead of that of a military guard (which in the case of the ship William appeared to have been disagreeable to you), the indulgence was of course to be understood as going only to cases which the executive might take, or keep possession of, with a military guard, and not to interfere with the authority of the courts of justice in any case wherein they should undertake to act. My letter of June the 29th, accordingly, in the same case of the ship William, informed you that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the executive to interfere in it. Consequently, this alone put it in their power to leave the vessel in the hands of the Consul. The courts of justice exercise the sovereignty of this country in judiciary matters; are supreme in these, and liable neither to control nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the Consul of New York, in the first instance, and yourself in a subsequent one, forbid an officer of justice to serve the process with which he was charged from his court, on the British brig William Tell, taken by a French armed vessel within a mile of our shores, as has been deposed on oath, and brought into New York, and that you had even given orders to the French squadron there, to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it within the body of the country by force of arms?

I forbear to make the observations which such a measure must suggest, and cannot but believe that a moment's reflection will evince to you the depth of the error committed in this opposition to an officer of justice, and in the means proposed to be resorted to in support of it. I am therefore charged to declare to you, expressly, that the President expects and requires that the officer of justice be not obstructed in freely and peaceably serving the process of his court, and that in the mean time, the vessel and her cargo be not suffered to depart till the judiciary, if it will undertake it, or himself if not, shall decide whether the seizure has been made within the limits of our protection.

I have the honor to be, with great respect, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXX.

TO COLONEL HUMPHREYS.

Philadelphia, September 11, 1793.

Dear Sir,

I have to acknowledge yours of May the 19th and 29th, and July 20th; being Nos. 72, 73, and 76. It is long since I wrote to you, because I know you must be where you could not receive my letters: and perhaps it may be some time before I write to you again, on account of a contagious and mortal fever which has arisen here, and is driving us all away. It is called a yellow fever, but is like nothing known or read of by the physicians. The week before last the deaths were about forty; the last week about eighty; and this week, I think they will be two hundred; and it goes on spreading. All persons who can find asylum elsewhere, are flying from the city: this will doubtless extend it to other towns, and spread it through the country, unless an early winter should stop it. Colonel Hamilton is ill of it, but is on the recovery.

The Indians have refused to meet our commissioners unless they would agree to the Ohio as our boundary, by way of preliminary article. This being impossible, because of the army locations and sales to individuals beyond the Ohio, the war is to go on, and we may soon expect to hear of General Wayne's being in motion.

The President set out yesterday for Mount Vernon, according to an arrangement of some time ago. General Knox is setting out for Massachusetts, and I am thinking to go to Virginia in some days. When and where we shall re-assemble, will depend on the course of this malady.

I have the honor to be, with great and sincere esteem and respect, Dear Sir, your affectionate friend and servant,

Th: Jefferson.

LETTER CLXXI.

TO MR. GENET.

Monticello, October 3, 1793.

SIR,

In a former letter which I had the honor of writing you, I mentioned that information had been received that M. Duplaine, Vice-Consul of France, at Boston, had been charged with an opposition to the laws of the land, of such a character, as, if true, would render it the duty of the President immediately to revoke the *Exequatur*, whereby he is permitted to exercise the functions of Vice-Consul in these United States. The fact has been since inquired into, and I now enclose you copies of the evidence establishing it; whereby you will perceive how inconsistent with peace and order it would be, to permit, any longer, the exercise of functions in these United States by a person capable of mistaking their legitimate extent so far, as to oppose, by force of arms, the course of the laws within the body of the country. The wisdom and justice of the government of France, and their sense of the necessity in every government, of preserving the course of the laws free and unobstructed, render us confident that they will approve this necessary arrestation of the proceedings of one of their agents; as we would certainly do in the like case, were any Consul or Vice-Consul of ours to oppose with an armed force, the course of their laws within their own limits. Still, however, indispensable as this act has been, it is with the most lively concern, the President has seen that the evil could not be arrested otherwise than by an appeal to the authority of the country.

I have the honor to be, with great esteem and respect, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXXII.

TO MR. GENET.

Germantown, November 8, 1793.

SIR,

I have now to acknowledge and answer your letter of September the 13th, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United

States, observing that governments and jurisconsults have different views on this subject.

It is certain, that heretofore, they have been much divided in opinion, as to the distance from their sea-coast to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty miles; and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea league. Some intermediate distances have also been insisted on, and that of three sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass the shores, would entitle us in reason to as broad a margin of protected navigation as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers acting under his authority, to consider those heretofore given them as restrained, for the present, to the distance of one sea league, or three geographical miles, from the sea-shore. This distance can admit of no opposition, as it is recognised by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are moreover, as being land-locked, within the body of the United States.

Examining by this rule the case of the British brig Fanny, taken on the 8th of May last, it appears from the evidence that the capture was made four or five miles from the land; and consequently, without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, with sentiments of respect and esteem, Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXXIII.

TO MR. GENET.

Germantown, November 22, 1793.

Sir,

In my letter of October the 2nd, I took the liberty of noticing to you, that the commission of Consul to M. Dannery, ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations, or their agents, are to learn what is or has been the will of the nation, and whatever he communicates as such, they have a right and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them. I am, therefore, Sir, not authorized to enter into any discussions with you on the meaning of our constitution in any part of it, or to prove to you that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I had observed to you, that we were persuaded, in the case of the Consul Dannery, the error in the address had proceeded from no intention in the Executive Council of France to question the functions of the President, and therefore no difficulty was made in issuing the commissions. We are still under the same persuasion. But in your letter of the 14th instant, you *personally* question the authority of the President, and in consequence of that, have not addressed to him the commission of Messrs. Pennevert and Chervi. Making a point of this formality on your part, it becomes necessary to make a point of it on ours also; and I am therefore charged to return you those commissions, and to inform you, that bound to enforce respect to the order of things established by our constitution, the President will issue no *Exequatur* to any Consul or Vice-Consul, not directed to him in the usual form, after the party from whom it comes has been apprized that such should be the address.

I have the honor to be, with respect, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CLXXIV.

TO MR. GENET.

Philadelphia, December 9, 1793.

Sir,

I have to acknowledge the receipt of your letter of the 3rd instant, which has been duly laid before the President.

We are very far from admitting your principle, that the government on either side has no other right, on the presentation of a consular commission, than to certify, that having examined it, they find it according to rule. The governments of both nations have a right, and that of yours has exercised it as to us, of considering the character of the person appointed, the place for which he is appointed, and other material circumstances; and of taking precautions as to his conduct, if necessary: and this does not defeat the general object of the convention, which, in stipulating that consuls shall be permitted on both sides, could not mean to supersede reasonable objections to particular persons, who might at the moment be obnoxious to the nation to which they were sent, or whose conduct might render them so at any time after. In fact, every foreign agent depends on the double will of the two governments, of that which sends him, and of that which is to permit the exercise of his functions within their territory; and when either of these wills is refused or withdrawn, his authority to act within that territory becomes incomplete. By what member of the government the right of giving or withdrawing permission is to be exercised here, is a question on which no foreign agent can be permitted to make himself the umpire. It is sufficient for him, under our government, that he is informed of it by the executive.

On an examination of the commissions from your nation, among our records, I find that before the late change in the form of our government, foreign agents were addressed, sometimes to the United States, and sometimes to the Congress of the United States, that body being then executive as well as legislative. Thus the commissions of Messrs. L'Etombe, Holker, Daunemanis, Marbois, Crève-cœur and Châteaufort, have all this clause, 'Prions et requérons nos très chers et grands amis et alliés, les Etat-Unis de l'Amérique Septentrionale, leurs gouverneurs, et autres officiers, &c. de laisser jouir, &c. le dit sieur, &c. de la charge de notre Consul,' &c. On the change in the form of our government, foreign nations, not undertaking to decide to what member of the new government their agents should be addressed, ceased to do it to Congress, and adopted the general address to the United States, before cited. This was done by the government of your own nation, as appears by the commissions of Messrs. Mangourit and La Forest, which have in them the clause before cited. So your own commission was, not as M. Gerond's and Luzerne's had been, 'à nos très chers, &c. le Président et membres du Congrès général des Etats-Unis,' &c. but 'à nos très chers, &c. les Etats-Unis de l'Amérique,' &c. Under this general address, the proper member of the government was included, and could take it up. When, therefore, it was seen in the commissions of Messrs. Dupont and Hauterive, that your executive had returned to the ancient address to Congress, it was conceived to be an inattention, insomuch, that I do not recollect (and I do not think it material enough to inquire) whether I noticed it to you either verbally or by letter. When that of M. Dannery was presented with the like address, being obliged to notice to you an inaccuracy of another kind, I then mentioned that of the address, not calling it an *innovation*, but expresssing my satisfaction, which is still entire, that it was not from any design in your Executive Council. The *Exequatur* was therefore sent. That they will not consider our notice of it as an innovation, we are perfectly secure. No government can disregard formalities more than ours. But when formalities are attacked with a view to change principles, and to introduce an entire independence of foreign agents on the nation with whom they reside, it becomes material to defend formalities. They would be no longer trifles, if they could, in defiance of the national will, continue a foreign agent among us, whatever might be his course of action. Continuing, therefore, the refusal to receive any commission from *yourself*, addressed to an improper member of the government, you are left free to use either the general one to the United States, as in the commissions of Messrs. Mangourit and La Forest before cited, or the special one, to the President of the United States.

I have the honor to be, with respect, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CLXXV.

TO THE ATTORNEY GENERAL OF THE UNITED STATES.

Philadelphia, December 18, 1793.

Sir,

The Minister Plenipotentiary of France has enclosed to me a copy of a letter of the 16th instant, which he addressed to you, stating that some libellous publications had been made against him by Mr. Jay, Chief Justice of the United States, and Mr. King, one of the Senators for the State of New York, and desiring that they might be prosecuted. This letter has been laid before the President, according to the request of the Minister; and the President, never doubting your readiness on all occasions to perform the functions of your office, yet thinks it incumbent on him to recommend it specially on the present occasion, as it concerns a public character peculiarly entitled to the protection of the laws. On the other hand, as our citizens ought not to be vexed with groundless prosecutions, duty to them requires it to be added, that if you judge the prosecution in question to be of that nature, you consider this recommendation as not extending to it; its only object being to engage you to proceed in this case according to the duties of your office, the laws of the land, and the privileges of the parties concerned.

I have the honor to be, with great respect and esteem, Sir, your most obedient and most humble servant,

Th: Jefferson.

LETTER CLXXVI.

TO E. RANDOLPH.

Monticello, February 3, 1794.

Dear Sir,

I have to thank you for the transmission of the letters from General Gates, La Motte, and Hauterive. I perceive by the latter, that the partisans of the one or the other principle (perhaps of both) have thought my name a convenient cover for declarations of their own sentiments. What those are to which Hauterive alludes, I know not, having never seen a newspaper since I left Philadelphia (except those of Richmond), and no circumstances authorize him to expect that I should inquire into them, or answer him. I think it is Montaigne who has said, that ignorance is the softest pillow on which a man can rest his head. I am sure it is true as to every thing political, and shall endeavor to estrange myself to every thing of that character. I indulge myself on one political topic only, that is, in declaring to my countrymen the shameless corruption of a portion of the Representatives in the first and second Congresses, and their implicit devotion to the treasury. I think I do good in this, because it may produce exertions to reform the evil, on the success of which the form of the government is to depend.

I am sorry La Motte has put me to the expense of one hundred and forty livres for a French translation of an English poem, as I make it a rule never to read translations where I can read the original. However, the question now is, how to get the book brought here, as well as the communications with Mr. Hammond which you were so kind as to promise me.

* * * * * * * * *

This is the first letter I have written to Philadelphia since my arrival at home, and yours the only ones I have received.

Accept assurances of my sincere esteem and respect. Yours affectionately,

TH : JEFFERSON.

LETTER CLXXVII.

TO JAMES MADISON.

Monticello, April 3, 1794.

DEAR SIR,

Our post having ceased to ride ever since the inoculation began in Richmond, till now, I received three days ago, and all together, your friendly favors of March the 2nd, 9th, 12th, 14th, and Colonel Monroe's of March the 3rd and 16th. I have been particularly gratified by the receipt of the papers containing yours and Smith's discussion of your regulating propositions. These debates had not been seen here but in a very short and mutilated form. I am at no loss to ascribe Smith's speech to its true father. Every tittle of it is Hamilton's except the introduction. There is scarcely any thing there which I have not heard from him in our various private, though official discussions. The very turn of the arguments is the same, and others will see as well as myself that the style is

Hamilton's. The sophistry is too fine, too ingenious, even to have been comprehended by Smith, much less devised by him. His reply shows he did not understand his first speech; as its general inferiority proves its legitimacy, as evidently as it does the bastardy of the original. You know we had understood that Hamilton had prepared a counter report, and that some of his humble servants in the Senate were to move a reference to him in order to produce it. But I suppose they thought it would have a better effect, if fired off in the House of Representatives. I find the report, however, so fully justified, that the anxieties with which I left it are perfectly quieted. In this quarter, all espouse your propositions with ardor, and without a dissenting voice.

The rumor of a declaration of war has given an opportunity of seeing, that the people here, though attentive to the loss of value of their produce in such an event, yet find in it a gratification of some other passions, and particularly of their ancient hatred to Great Britain. Still I hope it will not come to that; but that the proposition will be carried, and justice be done ourselves in a peaceable way. As to the guarantee of the French islands, whatever doubts may be entertained of the moment at which we ought to interpose, yet I have no doubt but that we ought to interpose at a proper time, and declare both to England and France, that these islands are to rest with France, and that we will make a common cause with the latter for that object. As to the naval armament, the land armament, and the marine fortifications which are in question with you, I have no doubt they will all be carried. Not that the monocrats and papermen in Congress want war; but they want armies and debts; and though we may hope that the sound part of Congress is now so augmented as to insure a majority in cases of general interest merely, yet I have always observed that in questions of expense, where members may hope either for offices or jobs for themselves or their friends, some few will be debauched, and that is sufficient to turn the decision where a majority is, at most, but small. I have never seen a Philadelphia paper since I left it, till those you enclosed me; and I feel myself so thoroughly weaned from the interest I took in the proceedings there, while there, that I have never had a wish to see one, and believe that I never shall take another newspaper of any sort. I find my mind totally absorbed in my rural occupations.

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Accept sincere assurances of affection.

TH: JEFFERSON.

LETTER CLXXVIII.

TO TENCH COXE.

Monticello, May 1, 1794.

Dear Sir,

Your several favors of February the 22nd, 27th, and March the 16th, which had been accumulating in Richmond during the prevalence of the small pox in that place, were lately brought to me, on the permission given the post to resume his communication. I am particularly to thank you for your favor in forwarding the Bee. Your letters give a comfortable view of French affairs, and later events seem to confirm it. Over the foreign powers I am convinced they will triumph completely, and I cannot but hope that that triumph, and the consequent disgrace of the invading tyrants, is destined, in the order of events, to kindle the wrath of the people of Europe against those who have dared to embroil them in such wickedness, and to bring at length, kings, nobles, and priests to the scaffolds which they have been so long deluging with human blood. I am still warm whenever I think of these scoundrels, though I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne and potatoes. I have so completely withdrawn myself from these spectacles of usurpation and misrule, that I do not take a single newspaper, nor read one a month: and I feel myself infinitely the happier for it.

We are alarmed here with the apprehensions of war; and sincerely anxious that it may be avoided; but not at the expense either of our faith or honor. It seems much the general opinion here, the latter has been too much wounded not to require reparation, and to seek it even in war, if that be necessary. As to myself, I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, Mr. Clarke's proposition of cutting off all communication with the nation which has conducted itself so atrociously. This you will say may bring on war. If it does, we will meet it like men; but it may not bring on war, and then the experiment will have been a happy one. I believe this war would be vastly more unanimously approved than any one we ever were engaged in; because the aggressions have been so wanton and bare-faced, and so unquestionably against our desire. I am sorry Mr. Cooper and Priestley did not take a more general survey of our country before they fixed themselves. I think they might have promoted their own advantage by it, and have aided the introduction of improvement where it is more wanting. The prospect of wheat for the ensuing year is a bad one. This is all the sort of news you can expect from me. From you I shall be glad to hear all sorts of news, and particularly any improvements in the arts applicable to husbandry or household manufacture.

I am, with very sincere affection, Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER CLXXIX.

TO THE PRESIDENT.

Monticello, May 14, 1794.

DEAR SIR,

I am honored with your favor of April the 24th, and received at the same time Mr. Bertrand's agricultural prospectus. Though he mentions my having seen him at a particular place, yet I remember nothing of it, and observing that he intimates an application for lands in America, I conceive his letter meant for me as Secretary of State, and therefore I now send it to the Secretary of State. He has given only the heads of his demonstrations, so that nothing can be conjectured of their details. Lord Kaims once proposed an essence of dung, one pint of which should manure an acre. If he or Mr. Bertrand could have rendered it so portable, I should have been one of those who would have been greatly obliged to them. I find on a more minute examination of my lands that the short visits heretofore made to them permitted, that a ten years' abandonment of them to the ravages of overseers, has brought on them a degree of degradation far beyond what I had expected. As this obliges me to adopt a milder course of cropping, so I find that they have enabled me to do it, by having opened a great deal of lands during my absence. I have therefore determined on a division of my farms into six fields, to be put under this rotation: first year, wheat; second, corn, potatoes, peas; third, rye, or wheat, according to circumstances; fourth and fifth, clover where the fields will bring it, and buckwheat dressings where they will not; sixth, folding, and buckwheat dressings. But it will take me from three to six years to get this plan under way. I am not yet satisfied that my acquisition of overseers from the head of Elk has been a happy one, or that much will be done this year towards rescuing my plantations from their wretched condition. Time, patience, and perseverance must be the remedy: and the maxim of your letter, 'slow and sure,' is not less a good one in agriculture than in politics. I sincerely wish it may extricate us from the event of a war, if this can be done saving our faith and our rights. My opinion of the British government is, that nothing will force them to do justice but the loud voice of their people, and that this can never be excited but by distressing their commerce. But I cherish tranquillity too much, to suffer political things to enter my mind at all. I do not forget that I owe you a letter for Mr. Young; but I am waiting to get full information. With every wish for your health and happiness, and my most friendly respects for Mrs. Washington, I have the honor to be, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXXX.

TO THE SECRETARY OF STATE.

Monticello, September 7, 1794.

DEAR SIR,

Your favor of August the 28th finds me in bed under a paroxysm of the rheumatism which has now kept me for ten days in constant torment, and presents no hope of abatement. But the express and the nature of the case requiring immediate answer, I write to you in this situation. No circumstances, my Dear Sir, will ever more tempt me to engage in any thing public. I thought myself perfectly fixed in this determination when I left Philadelphia, but every day and hour since has added to its inflexibility. It is a great pleasure to me to retain the esteem and approbation of the President, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments and a thousand more to him, which my situation does not permit me to go into. But however suffering by the addition of every single word to this letter, I must add a solemn declaration that neither Mr. J. nor Mr. —— ever mentioned to me one word of any want of decorum in Mr. Carmichael, nor any thing stronger or more special than stated in my notes of the conversation. Excuse my brevity, my dear Sir, and accept assurances of the sincere esteem and respect, with which I have the honor to be your affectionate friend and servant,

Th : Jefferson.

LETTER CLXXXI.

TO JAMES MADISON.

Monticello, December 28, 1794.

Dear Sir,

I have kept Mr. Jay's letter a post or two, with an intention of considering attentively the observations it contains : but I have really now so little stomach for any thing of that kind, that I have not resolution enough even to endeavor to understand the observations. I therefore return the letter, not to delay your answer to it, and beg you in answering for yourself, to assure him of my respects and thankful acceptance of Chalmers' Treatise, which I do not possess, and if you possess yourself of the scope of his reasoning, make any answer to it you please for me. If it had been on the rotation of my crops, I would have answered myself, lengthily perhaps, but certainly *con gusto*.

The denunciation of the democratic societies is one of the extraordinary acts of boldness of which we have seen so many from the faction of monocrats. It is wonderful indeed, that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing, and publishing. It must be a matter of rare curiosity to get at the modifications of these rights proposed by them, and to see what line their ingenuity would draw between democratical societies, whose avowed object is the nourishment of the republican principles of our constitution, and the society of the Cincinnati, *a self-created* one, carving out for itself hereditary distinctions, lowering over our constitution eternally, meeting together in all parts of the Union, periodically, with closed doors, accumulating a capital in their separate treasury, corresponding secretly and regularly, and of which society the very persons denouncing the democrats are themselves the fathers, founders, and high officers. Their sight must be perfectly dazzled by the glittering of crowns and coronets, not to see the extravagance of the proposition to suppress the friends of general freedom, while those who wish to confine that freedom to the few, are permitted to go on in their principles and practices. I here put out of sight the persons whose misbehavior has been taken advantage of to slander the friends of popular rights; and I am happy to observe, that as far as the circle of my observation and information extends, every body has lost sight of them, and views the abstract attempt on their natural and constitutional rights in all its nakedness. I have never heard, or heard of, a single expression or opinion which did not condemn it as an inexcusable aggression. And with respect to the transactions against the excise law, it appears to me that you are all swept away in the torrent of governmental opinions, or that we do not know what these transactions have been. We know of none which, according to the definitions of the law, have been any thing more than riotous. There was indeed a meeting to consult about a separation. But to consult on a question does not amount to a determination of that question in the affirmative, still less to the acting on such a determination: but we shall see, I suppose, what the court lawyers, and courtly judges, and would-be ambassadors will make of it. The excise law is an infernal one. The first error was to admit it by the constitution; the second, to act on that admission; the third and last will be, to make it the instrument of dismembering the Union, and setting us all afloat to choose what part of it we will adhere to. The information of our militia, returned from the westward, is uniform, that though the people there let them pass quietly, they were objects of their laughter, not of their fear; that one thousand men could have cut off their whole force in a thousand places of the Allegany; that their detestation of the excise law is universal, and has now associated to it a detestation of the government; and that separation which perhaps was a very distant and problematical event, is now near, and certain, and determined in the mind of every man. I expected to have seen some justification of arming one part of the society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies, and rising at a feather against our friends; of adding a million to the public debt and deriding us with recommendations to pay it if we can, &c. &c. But the part of the speech which was to be taken as a justification of the armament, reminded me of Parson Saunders's demonstration why *minus* into *minus* makes *plus*. After a parcel of shreds of stuff from Æsop's fables and Tom Thumb, he jumps all at once into his *ergo*, *minus* multiplied into *minus* makes *plus*. Just so the fifteen thousand men enter after the fables, in the speech.

However, the time is coming when we shall fetch up the lee-way of our vessel. The changes in your House, I see, are going on for the better, and even the Augean herd over your heads are slowly purging off their impurities. Hold on then, my dear friend, that we may not shipwreck in the mean while. I do not see, in the minds of those with whom I converse, a greater affliction than the fear of your retirement; but this must not be, unless to a more splendid and a more efficacious post. There I should rejoice to see you; I hope I may say, I shall rejoice to see you. I have long had much in my mind to say to you on that subject. But double delicacies have kept me silent. I ought perhaps to say, while I would not give up my own retirement for the empire of the universe, how I can justify wishing one whose happiness I have so much at heart as yours, to take the front of the battle which is fighting for my security. This would be easy enough to be done, but not at the heel of a lengthy epistle.

* * * * * * * * *

Present me respectfully to Mrs. Madison, and pray her to keep you where you are for her own satisfaction and the public good, and accept the cordial affections of us all. Adieu.

TH: JEFFERSON.

LETTER CLXXXII.

TO M. D'IVERNOIS.

Monticello, February 6, 1795.

DEAR SIR,

Your several favors on the affairs of Geneva found me here, in the month of December last. It is now more than a year that I have withdrawn myself from public affairs, which I never liked in my life, but was drawn into by emergencies which threatened our country with slavery, but ended in establishing it free. I have returned, with infinite appetite, to the enjoyment of my farm, my family, and my books, and had determined to meddle in nothing beyond their limits. Your proposition, however, for transplanting the college of Geneva to my own country, was too analogous to all my attachments to science, and freedom, the first-born daughter of science, not to excite a lively interest in my mind, and the essays which were necessary to try its practicability. This depended altogether on the opinions and dispositions of our State legislature, which was then in session. I immediately communicated your papers to a member of the legislature, whose abilities and zeal pointed him out as proper for it, urging him to sound as many of the leading members of the legislature as he could, and if he found their opinions favorable, to bring forward the proposition; but if he should find it desperate, not to hazard it: because I thought it best not to commit the honor either of our State or of your college, by an useless act of eclat. It was not till within these three days that I have had an interview with him, and an account of his proceedings. He communicated the papers to a great number of the members, and discussed them maturely, but privately, with them. They were generally well disposed to the proposition, and some of them warmly: however, there was no difference of opinion in the conclusion, that it could not be effected. The reasons which they thought would with certainty prevail against it, were, 1. that our youth, not familiarized but with their mother tongue, were not prepared to receive instructions in any other; 2. that the expense of the institution would excite uneasiness in their constituents, and endanger its permanence; and 3. that its extent was disproportioned to the narrow state of the population with us. Whatever might be urged on these several subjects, yet as the decision rested with others, there remained to us only to regret that circumstances were such, or were thought to be such, as to disappoint your and our wishes.

I should have seen with peculiar satisfaction the establishment of such a mass of science in my country, and should probably have been tempted to approach myself to it, by procuring a residence in its neighborhood, at those seasons of the year at least when the operations of agriculture are less active and interesting. I sincerely lament the circumstances which have suggested this emigration. I had hoped that Geneva was familiarized to such a degree of liberty, that they might without difficulty or danger fill up the measure to its *maximum;* a term, which, though in the insulated man, bounded only by his natural powers, must, in society, be so far restricted as to protect himself against the evil passions of his associates, and consequently, them against him. I suspect that the doctrine, that small States alone are fitted to be republics, will be exploded by experience, with some other brilliant fallacies accredited by Montesquieu and other political writers. Perhaps it will be found, that to obtain a just republic (and it is to secure our just rights that we resort to government at all) it must be so extensive as that local egoisms may never reach its greater part; that on every particular question a majority may be found in its councils free from particular interests, and giving, therefore, an uniform prevalence to the principles of justice. The smaller the societies, the more violent and more convulsive their schisms. We have chanced to live in an age which will probably be distinguished in history, for its experiments in government on a larger scale than has yet taken place. But we shall not live to see the result. The grosser absurdities, such as hereditary magistracies, we shall see exploded in our day, long experience having already pronounced condemnation against them. But what is to be the substitute? This our children or grandchildren will answer. We may be satisfied with the certain knowledge that none can ever be tried, so stupid, so unrighteous, so oppressive, so destructive of every end for which honest men enter into government, as that which their forefathers had established, and their fathers alone venture to tumble headlong from the stations they have so long abused. It is unfortunate, that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors, and even with crimes. But while we weep over the means we must pray for the end.

But I have been insensibly led, by the general complexion of the times, from the particular case of Geneva, to those to which it bears no similitude. Of that we hope good things. Its inhabitants must be too much enlightened, too well experienced in the blessings of freedom and undisturbed industry, to tolerate long a contrary state of things. I shall be happy to hear that their government perfects itself, and leaves room for the honest, the industrious, and wise; in which case, your own talents, and those of the persons for whom you have interested yourself, will, I am sure, find welcome and distinction. My good wishes will always attend you, as a consequence of the esteem and regard with which I am, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CLXXXIII.

TO JAMES MADISON.

Monticello, April 27, 1795.

DEAR SIR,

Your letter of March the 23rd came to hand the 7th of April, and notwithstanding the urgent reasons for answering a part of it immediately, yet as it mentioned that you would leave Philadelphia within a few days, I feared that the answer might pass you on the road. A letter from Philadelphia by the last post having announced to me your leaving that place the day preceding its date, I am in hopes this will find you in Orange. In mine, to which yours of March the 23rd was an answer, I expressed my hope of the only change of position I ever wished to see you make, and I expressed it with entire sincerity, because there is not another person in the United States, who being placed at the helm of our affairs, my mind would be so completely at rest for the fortune of our political bark. The wish too was pure, and unmixed with any thing respecting myself personally.

For as to myself, the subject had been thoroughly weighed and decided on, and my retirement from office had been meant from all office, high or low, without exception. I can say, too, with truth, that the subject had not been presented to my mind by any vanity of my own. I know myself and my fellow citizens too well to have ever thought of it. But the idea was forced upon me by continual insinuations in the public papers, while I was in office. As all these came from a hostile quarter, I knew that their object was to poison the public mind as to my motives, when they were not able to charge me with facts. But the idea being once presented to me, my own quiet required that I should face it and examine it. I did so thoroughly, and had no difficulty to see that every reason which had determined me to retire from the office I then held, operated more strongly against that which was insinuated to be my object. I decided then on those general grounds which could alone be present to my mind at that time, that is to say, reputation, tranquillity, labor; for as to public duty, it could not be a topic of consideration in my case. If these general considerations were sufficient to ground a firm resolution never to permit myself to think of the office, or be thought of for it, the special ones, which have supervened on my retirement, still more insuperably bar the door to it. My health is entirely broken down within the last eight months; my age requires that I should place my affairs in a clear state; these are sound if taken care of, but capable of considerable dangers if longer neglected; and above all things, the delights I feel in the society of my family, and in the agricultural pursuits in which I am so eagerly engaged. The little spice of ambition which I had in my younger days has long since evaporated, and I set still less store by a posthumous than present name. In stating to you the heads of reasons which have produced my determination, I do not mean an opening for future discussion, or that I may be reasoned out of it. The question is for ever closed with me; my sole object is to avail myself of the first opening ever given me from a friendly quarter (and I could not with decency do it before) of preventing any division or loss of votes, which might be fatal to the republican interest. If that has any chance of prevailing, it must be by avoiding the loss of a single vote, and by concentrating all its strength on one object. Who this should be, is a question I can more freely discuss with any body than yourself. In this I painfully feel the loss of Monroe. Had he been here, I should have been at no loss for a channel through which to make myself understood; if I have been misunderstood by any body through the instrumentality of Mr. Fenno and his abettors. I long to see you. I am proceeding in my agricultural plans with a slow but sure step. To get under full way will require four or five years. But patience and perseverance, will accomplish it. My little essay in red-clover, the last year, has had the most encouraging success. I sowed then about forty acres. I have sowed this year about one hundred and twenty, which the rain now falling comes very opportunely on. From one hundred and sixty to two hundred acres, will be my yearly sowing. The seed-box described in the agricultural transactions of New York, reduces the expense of seeding from six shillings to two shillings and three pence the acre, and does the business better than is possible to be done by the human hand. May we hope a visit from you? If we may, let it be after the middle of May, by which time I hope to be returned from Bedford. I have had a proposition to meet Mr. Henry there this month, to confer on the subject of a convention, to the calling of which he is now become a convert. The session of our district court furnished me a just excuse for the time; but the impropriety of my entering into consultation on a measure in which I would take no part, is a permanent one.

Present my most respectful compliments to Mrs. Madison, and be assured of the warm attachment of, Dear Sir, yours affectionately,

TH: JEFFERSON.

LETTER CLXXXIV.

TO WILLIAM B. GILES.

Monticello, April 27, 1795.

DEAR SIR,

Your favor of the 16th came to hand by the last post. I sincerely congratulate you on the great prosperities of our two first allies, the French and Dutch. If I could but see them now at peace with the rest of their continent, I should have little doubt of dining with Pichegru in London, next autumn; for I believe I should be tempted to leave my clover for a while, to go and hail the dawn of liberty and republicanism in that island. I shall be rendered very happy by the visit you promise me. The only thing wanting to make me completely so, is the more frequent society of my friends. It is the more wanting, as I am become more firmly fixed to the glebe. If you visit me as a farmer, it must be as a condisciple: for I am but a learner; an eager one indeed, but yet desperate, being too old now to learn a new art. However, I am as much delighted and occupied with it, as if I was the greatest adept. I shall talk with you about it from morning till night, and put you on very short allowance as to political aliment. Now and then a pious ejaculation for the French and Dutch republicans, returning with due despatch to clover, potatoes, wheat, &c. That I may not lose the pleasure promised me, let it not be till the middle of May, by which time I shall be returned from a trip I meditate to Bedford.

Yours affectionately,

TH: JEFFERSON.

LETTER CLXXXV.

THOMAS JEFFERSON TO MANN PAGE.

Monticello, August 30, 1795.

It was not in my power to attend at Fedricksburg according to the kind invitation in your letter, and in that of Mr. Ogilvie. The heat of the weather, the business of the farm, to which I have made myself necessary, forbade it; and to give one round reason for all, *maturè sanus*, I have laid up my Rosinante in his stall, before his unfitness for the road shall expose him faltering to the world. But why did not I answer you in time? Because, in truth, I am encouraging myself to grow lazy, and I was sure you would ascribe the delay to any thing sooner than a want of affection or respect to you, for this was not among the possible causes. In truth, if any thing could ever induce me to sleep another night out of my own house, it would have been your friendly invitation and my solicitude for the subject of it, the education of our youth. I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world, and to keep their part of it going on right: for nothing can keep it right but their own vigilant and distrustful superintendence. I do not believe with the Rochefoucaults and Montaignes, that fourteen out of fifteen men are rogues: I believe a great abatement from that proportion may be made in favor of general honesty. But I have always found that rogues would be uppermost, and I do not know that the proportion is too strong for the higher orders, and for those who, rising above the swinish multitude, always contrive to nestle themselves into the places of power and profit. These rogues set out with stealing the peoples' good opinion, and then steal from them the right of withdrawing it, by contriving laws and associations against the power of the people themselves. Our part of the country is in considerable fermentation on what they suspect to be a recent roguery of this kind. They say that while all hands were below deck mending sails, splicing ropes, and every one at his own business, and the captain in his cabin attending to his log-book and chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty. For my part, I consider myself now but as a passenger, leaving the world and its government to those who are likely to live longer in it. That you may be among the longest of these, is my sincere prayer. After begging you to be the bearer of my compliments and apologies to Mr. Ogilvie, I bid you an affectionate farewell, always wishing to hear from you.

LETTER CLXXXVI.

THOMAS JEFFERSON TO JAMES MADISON.

Monticello, September 21, 1795.

I received, about three weeks ago, a box containing six dozen volumes, of two hundred and eighty-three pages, 12mo. with a letter from Lambert, Beckley's clerk, that they came from Mr. Beckley, and were to be divided between yourself, J. Walker, and myself. I have sent two dozen to J. Walker, and shall be glad of a conveyance for yours. In the mean time, I send you by post, the title-page, table of contents, and one of the pieces, Curtius, lest it should not have come to you otherwise. It is evidently written by Hamilton, giving a first and general view of the subject, that the public mind might be kept a little in check, till he could resume the subject more at large from the beginning, under his second signature of Camillus. The piece called 'The Features of the Treaty,' I do not send, because you have seen it in the newspapers. It is said to be written by Coxe, but I should rather suspect by Beckley. The antidote is certainly not strong enough for the poison of Curtius. If I had not been informed the present came from Beckley, I should have suspected it from Jay or Hamilton. I gave a copy or two, by way of experiment, to honest, sound-hearted men of common understanding, and they were not able to parry the sophistry of Curtius. I have ceased, therefore, to give them. Hamilton is really a colossus to the anti-republican party. Without numbers, he is an host within himself. They have got themselves into a defile, where they might be finished; but too much security on the republican part will give time to his talents and indefatigableness to extricate them. We have had only middling performances to oppose to him. In truth when he comes forward, there is nobody but yourself who can meet him. His adversaries having begun the attack, he has the advantage of answering them, and remains unanswered himself. A solid reply might yet completely demolish what was too feebly attacked, and has gathered strength from the weakness of the attack. The merchants were certainly (except those of them who are English) as open-mouthed at first against the treaty, as any. But the general expression of indignation has alarmed them for the strength of the government. They have feared the shock would be too great, and have chosen to tack about and support both treaty and government, rather than risk the government. Thus it is, that Hamilton, Jay, &c. in the boldest act they ever ventured on to undermine the government, have the address to screen themselves, and direct the hue and cry against those who wished to drag them into light. A bolder party-stroke was never struck. For it certainly is an attempt of a party, who find they have lost their majority in one branch of the legislature, to make a law by the aid of the other branch and of the executive, under color of a treaty, which shall bind up the hands of the adverse branch from ever restraining the commerce of their patron-nation. There appears a pause at present in the public sentiment, which may be followed by a revulsion. This is the effect of the desertion of the merchants, of the President's chiding answer to Boston and Richmond, of the writings of Curtius and Camillus, and of the quietism into which people naturally fall after first sensations are over. For God's sake take up your pen, and give a fundamental reply to Curtius and Camillus. Adieu affectionately.

LETTER CLXXXVII.

TO EDWARD RUTLEDGE.

Monticello, November 30, 1795.

My Dear Sir,

I received your favor of October the 12th by your son, who has been kind enough to visit me here, and from whose visit I have received all that pleasure which I do from whatever comes from you, and especially from a subject so deservedly dear to you. He found me in a retirement I doat on, living like an antediluvian patriarch among my children and grandchildren, and tilling my soil. As he had lately come from Philadelphia, Boston, &c. he was able to give me a great deal of information of what is passing in the world, and I pestered him with questions pretty much as our friends Lynch, Nelson, &c. will us, when we step across the Styx, for they will wish to know what has been passing above ground since they left us. You hope I have not abandoned entirely the service of our country. After five and twenty years' continual employment in it, I trust it will be thought I have fulfilled my tour, like a punctual soldier, and may claim my discharge. But I am glad of the sentiment from you, my friend, because it gives a hope you will practise what you preach, and come forward in aid of the public vessel. I will not admit your old excuse, that you are in public service though at home. The campaigns which are fought in a man's own house are not to be counted. The present situation of the President, unable to get the offices filled, really calls with uncommon obligation on those whom nature has fitted for them. I join with you in thinking the treaty an execrable thing. But both negotiators must have understood, that as there were articles in it which could not be carried into execution without the aid of the legislatures on both sides, therefore it must be referred to them, and that these legislatures, being free agents, would not give it their support if they disapproved of it. I trust the popular branch of our legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England and the Anglomen of this country, against the legislature and people of the United States.

I am, my dear friend, yours affectionately,

Th: Jefferson.

LETTER CLXXXVIII.

TO WILLIAM B. GILES.

Monticello, December 31, 1795.

Dear Sir,

Your favors of December the 15th and 20th came to hand by the last post. I am well pleased with the manner in which your House have testified their sense of the treaty: while their refusal to pass the original clause of the reported answer proved their condemnation of it, the contrivance to let it disappear silently respected appearances in favor of the President, who errs as other men do, but errs with integrity. Randolph seems to have hit upon the true theory of our constitution; that when a treaty is made, involving matters confided by the constitution to the three branches of the legislature conjointly, the Representatives are as free as the President and Senate were, to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a power. I thank you much for the pamphlet. His narrative is so straight and plain, that even those who did not know him will acquit him of the charge of bribery. Those who knew him had done it from the first. Though he mistakes his own political character in the aggregate, yet he gives it to you in the detail. Thus he supposes himself a man of no party (page 57); that his opinions not containing any systematic adherence to party, fell sometimes on one side and sometimes on the other (page 58). Yet he gives you these facts, which show that they fall generally on both sides, and are complete inconsistencies.

1. He never gave an opinion in the cabinet against the rights of the people (page 97); yet he advised the denunciation of the popular societies (page 67).

2. He would not neglect the overtures of a commercial treaty with France (page 79); yet he always opposed it while Attorney General, and never seems to have proposed it while Seccetary of State.

3. He concurs in resorting to the militia to quell the pretended insurrections in the west (page 81), and proposes an augmentation from twelve thousand five hundred to fifteen thousand, to march against men at their ploughs (page 80); yet on the 5th of August he is against their marching (pages 83, 101), and on the 25th of August he is for it (page 84).

4. He concurs in the measure of a mission extraordinary to

London (as is inferred from page 58), but objects to the men, to wit, Hamilton and Jay (page 50).

5. He was against granting commercial powers to Mr. Jay (page 58); yet he besieged the doors of the Senate to procure their advice to ratify.

6. He advises the President to a ratification on the merits of the treaty (page 97), but to a suspension till the provision order is repealed (page 98). The fact is, that he has generally given his principles to the one party, and his practice to the other; the oyster to one, the shell to the other. Unfortunately, the shell was generally the lot of his friends, the French and republicans, and the oyster of their antagonists. Had he been firm to the principles he professes in the year 1793, the President would have been kept from an habitual concert with the British and anti-republican party. But at that time, I do not know which R. feared most, a British fleet, or French disorganizers. Whether his conduct is to be ascribed to a superior view of things, and adherence to right without regard to party, as he pretends, or to an anxiety to trim between both, those who know his character and capacity will decide. Were parties here divided merely by a greediness for office, as in England, to take a part with either would be unworthy of a reasonable or moral man. But where the principle of difference is as substantial, and as strongly pronounced, as between the republicans and the monocrats of our country, I hold it as honorable to take a firm and decided part, and as immoral to pursue a middle line, as between the parties of honest men and rogues, into which every country is divided.

A copy of the pamphlet came by this post to Charlottesville. I suppose we shall be able to judge soon what kind of impression it is likely to make. It has been a great treat to me, as it is a continuation of that cabinet history, with the former part of which I was intimate. I remark, in the reply of the President, a small travestie of the sentiment contained in the answer of the Representatives. They acknowledge that he has *contributed* a great share to the national happiness by his services. He thanks them for ascribing to his *agency* a great share of those benefits. The former keeps in view the co-operation of others towards the public good. The latter presents to view his sole agency. At a time when there would have been less anxiety to publish to the people a strong approbation from your House, this strengthening of your expression would not have been noticed.

Our attentions have been so absorbed by the first manifestation of the sentiments of your House, that we have lost sight of our own legislature; insomuch, that I do not know whether they are sitting or not. The rejection of Mr. Rutledge by the Senate is a bold thing; because they cannot pretend any objection to him but his disapprobation of the treaty. It is, of course, a declaration that they will receive none but tories hereafter into any department of the government. I should not wonder if Monroe were to be recalled, under the idea of his being of the partisans of France, whom the President considers as the partisans of *war and confusion*, in his letter of July the 31st, and as disposed to excite them to hostile measures, or at least to unfriendly sentiments; a most infatuated blindness to the true character of the sentiments entertained in favor of France. The bottom of my page warns me that it is time to end my commentaries on the facts you have furnished me. You would of course, however, wish to know the sensations here on those facts.

My friendly respects to Mr. Madison, to whom the next week's dose will be directed. Adieu affectionately.

TH: JEFFERSON.

LETTER CLXXXIX.

TO JAMES MADISON.

Monticello, March 6, 1796.

DEAR SIR,

I wrote you February the 21st, since which I have received yours of the same day. Indeed, mine of that date related only to a single article in yours of January the 31st and February the 7th. I do not at all wonder at the condition in which the finances of the United States are found. Hamilton's object from the beginning, was to throw them into forms which should be utterly undecipherable. I ever said he did not understand their condition himself, nor was able to give a clear view of the excess of our debts beyond our credits, nor whether we were diminishing or increasing the debt. My own opinion was, that from the commencement of this government to the time I ceased to attend to the subject, we had been increasing our debt about a million of dollars annually. If Mr. Gallatin would undertake to reduce this chaos to order, present us with a clear view of our finances, and put them into a form as simple as they will admit, he will merit immortal honor. The accounts of the United States ought to be, and may be, made as simple as those of a common farmer, and capable of being understood by common farmers.

Disapproving, as I do, of the unjustifiable largess to the demands of the Count de Grasse, I will certainly not propose to rivet it by a second example on behalf of M. de Chastellux's son. It will only be done in the event of such a repetition of the precedent, as will give every one a right to share in the plunder. It is, indeed, surprising you have not yet received the British treaty in form. I presume you would never receive it were not your co-operation on it necessary. But this will oblige the formal notification of it to you.

My salutations to Mrs. Madison, friendly esteem to Mr. Giles, Page, &c. I am, with sincere affection, yours,

TH: JEFFERSON.

P. S. Have you considered all the consequences of your proposition respecting post-roads? I view it as a source of boundless patronage to the executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post-office revenues: but the other revenues will soon be called in to their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest. We have thought, hitherto, that the roads of a State could not be so well administered even by the State legislature as by the magistracy of the county, on the spot. How will they be when a member of New Hampshire is to mark out a road for Georgia? Does the power to *establish* post-roads, given you by the constitution, mean that you shall *make* the roads, or only *select* from those already made those on which there shall be a post? If the term be equivocal (and I really do not think it so), which is the safest construction; that which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other, which if too restricted may be referred to the States for amendment, securing still due measures and proportion among us, and providing some means of information to the members of Congress tantamount to that ocular inspection, which, even in our county determinations, the magistrate finds cannot be supplied by any other evidence? The fortification of harbors was liable to great objection. But national circumstances furnished some color. In this case there is none. The roads of America are the best in the world, except those of France and England. But does the state of our population, the extent of our internal commerce, the want of sea and river navigation, call for such expense on roads here, or are our means adequate to it? Think of all this, and a great deal more which your good judgment will suggest, and pardon my freedom. T. J.

LETTER CXC.

THOMAS JEFFERSON TO WILLIAM B. GILES.

I know not when I have received greater satisfaction than on reading the speech of Dr. Leib, in the Pennsylvania Assembly. He calls himself a new member. I congratulate honest republicanism on such an acquisition, and promise myself much from a career which begins on such elevated ground. We are in suspense here to see the fate and effect of Mr. Pitt's bill against democratic societies. I wish extremely to get at the true history of this effort to suppress freedom of meeting, speaking, writing, and printing. Your acquaintance with Sedgwick will enable you to do it. Pray get the outlines of the bill he intended to have brought in for this purpose. This will enable us to judge whether we have the merit of the invention; whether we were really beforehand with the British Minister on this subject; whether he took his hint from our proposition, or whether the concurrence in sentiment is merely the result of the general truth that great men will think alike and act alike, though without intercommunication. I am serious in desiring extremely the outlines of the bill intended for us. From the debates on the subject of our seamen, I am afraid as much harm as good will be done by our endeavors to arm our seamen against impressments. It is proposed to register them and give them certificates. But these certificates will be lost in a thousand ways: a sailor will neglect to take his certificate: he is wet twenty times in a voyage; if he goes ashore without it, he is impressed; if with it, he gets drunk, it is lost, stolen from him, taken from him, and then the want of it gives authority to impress, which does not exist now. After ten years' attention to the subject, I have never been able to devise any thing effectual, but that the circumstance of an American bottom be made, *ipso facto*, a protection for a number of seamen proportioned to her tonnage; that American captains be obliged, when called on by foreign officers, to parade the men on deck, which would show whether they exceeded their own quota, and allow the foreign officer to send two or three persons aboard and hunt for any suspected to be concealed. This, Mr. Pinckney was instructed to insist upon with Great Britain; to accept of nothing short of it; and, most especially, not to agree that a certificate of citizenship should be requirable from our seamen; because it would be made a ground for the authorized impressment of them. I am still satisfied that such a protection will place them in a worse situation than they are at present. It is true, the British Minister has not shown any disposition to accede to my proposition; but it was not totally rejected: and if he still refuses, lay a duty of one penny sterling a yard on British oznaburgs, to make a fund for paying the expenses of the agents you are obliged to employ to seek out our suffering seamen. I congratulate you on the arrival of Mr. Ames and the British treaty. The newspapers had said they would arrive together. We have had a fine winter. Wheat looks well. Corn is scarce and dear. Twenty-two shillings here, thirty shillings in Amherst. Our blossoms are but just opening. I have begun the demolition of my house, and hope to get through its re-edification in the course of the summer. We shall have the eye of a brick-kiln to poke you into, or an octagon to air you in. Adieu affectionately.

March 19, 1796.

LETTER CXCI.

TO COLONEL MONROE.

Monticello, March 21, 1796.

Dear Sir,

I wrote you on the 2nd instant, and now take the liberty of troubling you, in order to have the enclosed letter to M. Gautier safely handed to him. I will thank you for information that it gets safely to hand, as it is of considerable importance to him, to the United States, to the State of Virginia, and to myself, by conveying to him the final arrangement of the accounts of Grand and company with all those parties.

* * * * * * * * *

The British treaty has been formally, at length, laid before Congress. All America is a tiptoe to see what the House of Representatives will decide on it. We conceive the constitutional doctrine to be, that though the President and Senate have the general power of making treaties, yet wherever they include in a treaty matters confided by the constitution to the three branches of legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives, as one branch of the legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives, to the President and Senate, and Piamingo or any other Indian, Algerine, or other chief. It is fortunate that the first decision is to be in a case so palpably atrocious, as to have been predetermined by all America. The appointment of Elsworth Chief Justice, and Chase one of the judges, is doubtless communicated to you. My friendly respects to Mrs. Monroe. Adieu affectionately.

TH: JEFFERSON.

LETTER CXCII.

TO JAMES MADISON.

Monticello, March 27, 1796.

DEAR SIR,

I am much pleased with Mr. Gallatin's speech in Bache's paper of March the 14th. It is worthy of being printed at the end of the Federalist, as the only rational commentary on the part of the constitution to which it relates. Not that there may not be objections, and difficult ones, to it, and which I shall be glad to see his answers to; but if they are never answered, they are more easily to be gulped down than those which lie to the doctrines of his opponents, which do in fact annihilate the whole of the powers given by the constitution to the legislature. According to the rule established by usage and common sense, of construing one part of the instrument by another, the objects on which the President and Senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the legislature, is large enough: and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty-making power, except as to making peace. If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used, if not in one where the rights, the interest, the honor, and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the legislature at the feet of both; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice and corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'Curse on his virtues, they have undone his country.' Cold weather, mercury at twenty degrees in the morning. Corn fallen at Richmond to twenty shillings; stationary here. Nicholas sure of his election; R. Jouett and Jo. Monroe in competition for the other vote of the county.

Affection to Mrs. M. and yourself. Adieu.

TH: JEFFERSON.

LETTER CXCIII.

TO JAMES MADISON.

Monticello, April 19, 1796.

DEAR SIR,

Yours of the 4th instant came to hand the day before yesterday. I have turned to the Conventional history, and enclose you an exact copy of what is there on the subject you mentioned. I have also turned to my own papers, and send you some things extracted from them, which show that the recollection of the President has not been accurate, when he supposed his own opinion to have been uniformly that declared in his answer of March the 30th. The records of the Senate will vouch for this. My respects to Mrs. Madison. Adieu affectionately.

TH: JEFFERSON.

[The papers referred to in the preceding.]

Extract, verbatim, from last page but one and the last page.

'Mr. King suggested that the journals of the Convention should be either destroyed, or deposited in the custody of the President. He thought, if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the constitution.

'Mr. Wilson preferred the second expedient. He had at one time liked the first best: but as false suggestions may be propagated, it should not be made impossible to contradict them.

'A question was then put on depositing the journals and other papers of the Convention in the hands of the President, on which New Hampshire, aye, Massachusetts, aye, Connecticut, aye, New Jersey, aye, Pennsylvania, aye, Delaware, aye, Maryland, no, Virginia, aye, North Carolina, aye, South Carolina, aye, and Georgia, aye. This negative of Maryland was occasioned by the language of the instructions to the Deputies of that State, which required them to report to the State the *proceedings* of the Convention.

'The President having asked what the Convention meant should be done with the journals, &c. whether copies were to be allowed to the members, if applied for, it was resolved *nem. con.*, "that he retain the journals and other papers subject to the order of the Congress, if ever formed under the constitution."

'The members then proceeded to sign the instrument,' &c.

'In Senate, February 1, 1791.

'The committee, to whom was referred that part of the speech of the President of the United States, at the opening of the session, which relates to the commerce of the Mediterranean, and also the letter from the Secretary of State, dated the 20th of January, 1791, with the papers accompanying the same, reported; whereupon,

'*Resolved*, That the Senate do advise and consent, that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States, now in captivity at Algiers, provided the expense shall not exceed forty thousand dollars, and also, that measures be taken to confirm the treaty now existing between the United States and the Emperor of Morocco.'

The above is a copy of a resolve of the Senate, referred to me by the President, to propose an answer to, and I find immediately following this, among my papers, a press copy, from an original written fairly in my own hand, ready for the President's signature, and to be given in to the Senate, of the following answer.

'*Gentlemen of the Senate,*

'I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the 1st instant, so soon as the monies necessary shall be appropriated *by the legislature*, and shall be in readiness.

'The recognition of our treaty with the new Emperor of Morocco requires also previous appropriation and provision. The importance of this last to the liberty and property of our citizens, induces me to urge it on your earliest attention.'

Though I have no memorandum of the delivery of this to the Senate, yet I have not the least doubt it was given in to them, and will be found among their records.

I find, among my press copies, the following in my hand-writing.

'The committee to report, that the President does not think that circumstances will justify, in the present instance, his entering into *absolute* engagements for the ransom of our captives in Algiers, nor calling for money from the treasury, nor raising it by loan, without previous authority from *both branches* of the legislature.

'April 9, 1792.'

I do not recollect the occasion of the above paper with certainty; but I think there was a committee appointed by the Senate to confer with the President on the subject of the ransom, and to advise what is there declined, and that a member of the committee advising privately with me as to the report they were to make to the House, I minuted down the above, as the substance of what he observed to be the proper report, after what had passed with the President, and gave the original to the member, preserving the press copy. I think the member was either Mr. Izard or Mr. Butler, and have no doubt such a report will be found on the files of the Senate.

On the 8th of May following, in consequence of questions proposed by the President to the Senate, they came to a resolution, on which a mission was founded.

LETTER CXCIV.*

TO P. MAZZEI.

Monticello, April 24, 1796.

My Dear Friend,

* * * * * *

The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican monarchical and aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The

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[* The first part of this letter is on private business, and is therefore omitted.]

main body of our citizens, however, remain true to their republican principles: the whole landed interest is republican, and so is a great mass of talents. Against us are the executive, the judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants and Americans trading on British capitals, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever, were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors.

I will forward the testimonial of the death of Mrs. Mazzei, which I can do the more incontrovertibly as she is buried in my grave-yard, and I pass her grave daily. The formalities of the proof you require, will occasion delay. I begin to feel the effects of age. My health has suddenly broken down, with symptoms which give me to believe I shall not have much to encounter of the *tedium vitæ*. While it remains, however, my heart will be warm in its friendships, and, among these, will always foster the affections with which I am, Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER CXCV.

TO COLONEL MONROE.

Monticello, June 12, 1796.

DEAR SIR,

* * * * * *

Congress have risen. You will have seen by their proceedings the truth of what I always observed to you, that one man outweighs them all in influence over the people, who have supported his judgment against their own and that of their representatives. Republicanism must lie on its oars, resign the vessel to its pilot, and themselves to the course he thinks best for them. I had always conjectured, from such facts as I could get hold of, that our public debt was increasing about a million of dollars a year. You will see by Gallatin's speeches that the thing is proved. You will see farther, that we are completely saddled and bridled, and that the bank is so firmly mounted on us that we must go where they will guide. They openly publish a resolution, that the national property being increased in value, they must by an increase of circulating medium furnish an adequate representation of it, and by further additions of active capital promote the enterprises of our merchants. It is supposed that the paper in circulation in and around Philadelphia amounts to twenty millions of dollars, and that in the whole Union, to one hundred millions. I think the last too high. All the imported commodities are raised about fifty per cent., by the depreciation of the money. Tobacco shares the rise, because it has no competition abroad. Wheat has been extraordinarily high from other causes. When these cease, it must fall to its ancient nominal price, notwithstanding the depreciation of that, because it must contend in market with foreign wheats. Lands have risen within the vortex of the paper, and as far out as that can influence. They have not risen at all here. On the contrary, they are lower than they were twenty years ago. Those I had mentioned to you, to wit, Carter's and Colle, were sold before your letter came. Colle at two dollars the acre. Carter's had been offered me for two French crowns (13s. 2d.) Mechanics here get from a dollar to a dollar and a half a day, yet are much worse off than at the old prices.

Volney is with me at present. He is on his way to the Illinois. Some late appointments, judiciary and diplomatic, you will have heard, and stared at. The death of R. Jouett is the only small news in our neighborhood.

Our best affections attend Mrs. Monroe, Eliza, and yourself. Adieu affectionately.

TH : JEFFERSON.

LETTER CXCVI.

TO THE PRESIDENT.

Monticello, June 19, 1796.

In Bache's Aurora of the 9th instant, which came here by the last post, a paper appears, which having been confided, as I presume, to but few hands, makes it truly wonderful how it should have got there. I cannot be satisfied as to my own part, till I relieve my mind by declaring, and I attest every thing sacred and honorable to the declaration, that it has got there neither through me nor the paper confided to me. This has never been from under my own lock and key, or out of my own hands. No mortal ever knew from me, that these questions had been proposed. Perhaps I ought to except one person, who possesses all my confidence, as he has possessed yours. I do not remember, indeed, that I communicated it even to him. But as I was in the habit of unlimited trust and counsel with him, it is possible I may have read it to him; no more: for the quire of which it makes a part was never in any hand but my own, nor was a word ever copied or taken down from it, by any body. I take on myself, without fear, any divulgation on his part. We both know him incapable of it. From myself, then, or my paper, this publication has never been derived. I have formerly mentioned to you, that from a very early period of my life, I had laid it down as a rule of conduct never to write a word for the public papers. From this, I have never departed in a single instance; and on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me, by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, through malice by another. I learn that this last has thought it worth his while to try to sow tares between you and me, by representing me as still engaged in the bustle of politics, and in turbulence and intrigue against the government. I never believed for a moment that this could make any impression on you, or that your knowledge of me would not overweigh the slander of an intriguer, dirtily employed in sifting the conversations of my table, where alone he could hear of me; and seeking to atone for his sins against you by sins against another, who had never done him any other injury than that of declining his confidences. Political conversations I really dislike, and therefore avoid where I can without affectation. But when urged by others, I have never conceived that having been in public life requires me to belie my sentiments, or even to conceal them. When I am led by conversation to express them, I do it with the same independence here, which I have practised every where, and which is inseparable from my nature. But enough of this miserable tergiversator, who ought indeed either to have been of more truth, or less trusted by his country.*

While on the subject of papers, permit me to ask one from you. You remember the difference of opinion between Hamilton and Knox on the one part, and myself on the other, on the subject of firing on the Little Sarah, and that we had exchanged opinions and reasons in writing. On your arrival in Philadelphia I delivered you a copy of my reasons, in the presence of Colonel Hamilton. On our withdrawing, he told me he had been so much engaged that he had not been able to prepare a copy of his and General Knox's for you, and that if I would send you the one he had given me, he would replace it in a few days. I immediately sent it to you, wishing you should see both sides of the subject together. I often after applied to both the gentlemen, but could never obtain another copy. I have often thought of asking this one, or a copy of it, back from you, but have not before written on subjects of this kind to you. Though I do not know that it will ever be of the least importance to me, yet one loves to possess arms, though they hope never to have occasion for them. They possess my paper in my own hand-writing. It is just I should possess theirs. The only thing amiss is, that they should have left me to seek a return of the paper, or a copy of it, from you.

I put away this disgusting dish of old fragments, and talk to you of my pease and clover. As to the latter article, I have great encouragement from the friendly nature of our soil. I think I have had, both the last and present year, as good clover from common grounds, which had brought several crops of wheat and corn without ever having been manured, as I ever saw on the lots around Philadelphia. I verily believe that a field of thirty-four acres, sowed on wheat April was twelvemonth, has given me a ton to the acre at its first cutting this spring. The stalks extended, measured three and a half feet long very commonly. Another field, a year older, and which yielded as well the last year, has sensibly fallen off this year. My exhausted fields bring a clover not high enough

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[* Here, in the margin of the copy, is written, apparently at a later date, 'General H. Lee.']

for hay, but I hope to make seed from it. Such as these, however, I shall hereafter put into pease in the broadcast, proposing that one of my sowings of wheat shall be after two years of clover, and the other after two years of pease. I am trying the white boiling pea of Europe (the Albany pea) this year, till I can get the hog-pea of England, which is the most productive of all. But the true winter-vetch is what we want extremely. I have tried this year the Caroline drill. It is absolutely perfect. Nothing can be more simple, nor perform its office more perfectly for a single row. I shall try to make one to sow four rows at a time of wheat or peas, at twelve inches distance. I have one of the Scotch threshing-machines nearly finished. It is copied exactly from a model of Mr. Pinckney sent me, only that I have put the whole works (except the horse-wheel) into a single frame, moveable from one field to another on the two axles of a wagon. It will be ready in time for the harvest which is coming on, which will give it a full trial. Our wheat and rye are generally fine, and the prices talked of bid fair to indemnify us for the poor crops of the two last years.

I take the liberty of putting under your cover a letter to the son of the Marquis de la Fayette, not exactly knowing where to direct to him.

With very affectionate compliments to Mrs. Washington, I have the honor to be, with great and sincere esteem and respect, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CXCVII.

TO M. DE LA FAYETTE.

Monticello, June 19, 1796.

DEAR SIR,

The inquiries of Congress were the first intimation which reached my retirement of your being in this country, and from M. Volney, now with me, I first learned where you are. I avail myself of the earliest moments of this information, to express to you the satisfaction with which I learn that you are in the land of safety, where you will meet in every person the friend of your worthy father and family. Among these I beg leave to mingle my own assurances of sincere attachment to him, and my desire to prove it by every service I can render you. I know, indeed, that you are already under too good a patronage to need any other, and that my distance and retirement render my affections unavailing to you. They exist, nevertheless, in all their purity and warmth towards your father and every one embraced by his love; and no one has wished with more anxiety to see him once more in the bosom of a nation, who, knowing his works and his worth, desire to make him and his family for ever their own. You were, perhaps, too young to remember me personally when in Paris. But I pray you to remember, that should any occasion offer wherein I can be useful to you, there is no one on whose friendship and zeal you may more confidently count. You will, some day perhaps, take a tour through these States. Should any thing in this part of them attract your curiosity, it would be a circumstance of great gratification to me to receive you here, and to assure you in person of those sentiments of esteem, and attachment with which I am, Dear Sir, your friend and humble servant,

TH: JEFFERSON.

LETTER CXCVIII.

TO JONATHAN WILLIAMS.

Monticello, July 3, 1796.

DEAR SIR,

I take shame to myself for having so long left unanswered your valuable favor on the subject of the mountains. But in truth, I am become lazy as to every thing except agriculture. The preparations for harvest, and the length of the harvest itself, which is not yet finished, would have excused the delay however, at all times and under all dispositions. I examined, with great satisfaction, your barometrical estimate of the heights of our mountains; and with the more, as they corroborated conjectures on this subject which I had made before. My estimates had made them a little higher than yours (I speak of the Blue Ridge.) Measuring with a very nice instrument the angle subtended vertically by the highest mountain of the Blue Ridge opposite to my own house, a distance of about eighteen miles southwestward, I made the highest about two thousand feet, as well as I remember, for I can no longer find the notes I made. You make the south side of the mountain near Rockfish Gap, one thousand seven hundred and twenty-two feet above Woods'. You make the other side of the mountain seven hundred and sixty-seven feet. Mr. Thomas Lewis, deceased, an accurate man, with a good quadrant, made the north side of the highest mountain opposite my house something more (I think) than one thousand feet; but the mountain estimated by him and myself is probably higher than that next Rockfish Gap. I do not remember from what principles I estimated the Peaks of Otter at four thousand feet; but some late observations of Judge Tucker's coincided very nearly with my estimate. Your measures confirm another opinion of mine that the Blue Ridge, on its south side, is the highest ridge in our country compared with its base. I think your observations on these mountains well worthy of being published, and hope you will not scruple to let them be communicated to the world.

You wish me to present to the Philosophical Society the result of my philosophical researches since my retirement. But, my good Sir, I have made researches into nothing but what is connected with agriculture. In this way, I have a little matter to communicate, and will do it ere long. It is the form of a mould-board *of least resistance.* I had some years ago conceived the principles of it, and I explained them to Mr. Rittenhouse. I have since reduced the thing to practice, and have reason to believe the theory fully confirmed. I only wish for one of those instruments used in England for measuring the force exerted in the draughts of different ploughs, &c., that I might compare the resistance of my mould-board with that of others. But these instruments are not to be had here. In a letter of this date to Mr. Rittenhouse, I mention a discovery in animal history very signal indeed, of which I shall lay before the Society the best account I can, as soon as I shall have received some other materials collecting for me.

I have seen, with extreme indignation, the blasphemies lately vended against the memory of the father of American philosophy. But his memory will be preserved and venerated as long as the thunder of heaven shall be heard or feared.

With good wishes to all of his family, and sentiments of great respect and esteem for yourself, I am, Dear Sir, your most obedient and most humble servant,

TH: JEFFERSON.

LETTER CXCIX.

TO COLONEL MONROE.

Monticello, July 10, 1796.

Dear Sir,

* * * * * * * * *

The campaign of Congress has closed. Though the Anglomen have in the end got their treaty through, and so far have triumphed over the cause of republicanism, yet it has been to them a dear-bought victory. It has given the most radical shock to their party which it has ever received: and there is no doubt, they would be glad to be replaced on the ground they possessed the instant before Jay's nomination extraordinary. They see that nothing can support them but the colossus of the President's merits with the people, and the moment he retires, that his successor, if a monocrat, will be overborne by the republican sense of his constituents; if a republican, he will of course give fair play to that sense, and lead things into the channel of harmony between the governors and governed. In the mean time, patience.

Among your neighbors there is nothing new. Mr. Rittenhouse is lately dead. We have had the finest harvest ever known in this part of the country. Both the quantity and quality of wheat are extraordinary. We got fifteen shillings a bushel for the last crop, and hope two thirds of that at least for the present one.

Most assiduous court is paid to Patrick Henry. He has been offered every thing which they knew he would not accept. Some impression is thought to be made, but we do not believe it is radical. If they thought they could count upon him, they would run him for their Vice-President; their first object being to produce a schism in the State. As it is, they will run Mr. Pinckney; in which they regard his southern position rather than his principles. Mr. Jay and his advocate Camillus are completely treaty-foundered.

We all join in love to Mrs. Monroe; and accept for yourself assurances of sincere and affectionate friendship. Adieu.

Th: Jefferson.

LETTER CC.

THOMAS JEFFERSON TO JAMES MADISON.

Monticello, December 17, 1796.

Your favor of the 5th came to hand last night. The first wish of my heart was, that you should have been proposed for the administration of the government. On your declining it, I wish any body rather than myself: and there is nothing I so anxiously hope, as that my name may come out either second or third. These would be indifferent to me; as the last would leave me at home the whole year, and the other, two thirds of it. I have no expectation that the eastern States will suffer themselves to be so much outwitted, as to be made the tools for bringing in P. instead of A. I presume they will throw away their second vote. In this case, it begins to appear possible, that there may be an equal division where I had supposed the republican vote would have been considerably minor. It seems also possible, that the Representatives may be divided. This is a difficulty from which the constitution has provided no issue. It is both my duty and inclination, therefore, to relieve the embarrassment, should it happen: and in that case, I pray you and authorize you fully, to solicit on my behalf that Mr. Adams may be preferred. He has always been my senior, from the commencement of our public life, and the expression of the public will being equal, this circumstance ought to give him the preference. And when so many motives will be operating to induce some of the members to change their vote, the addition of my wish may have some effect to preponderate the scale. I am really anxious to see the speech. It must exhibit a very different picture of our foreign affairs from that presented in the adieu, or it will little correspond with my views of them. I think they never wore so gloomy an aspect since the year 1783. Let those come to the helm who think they can steer clear of the difficulties. I have no confidence in myself for the undertaking.

We have had the severest weather ever known in November. The thermometer was at twelve degrees here and in Goochland, and I suppose generally. It arrested my buildings very suddenly, when eight days more would have completed my walls, and permitted us to cover in. The drought is excessive. From the middle of October to the middle of December, not rain enough to lay the dust. A few days ago there fell a small rain, but the succeeding cold has probably prevented it from sprouting the grain sown during the drought.

Present me in friendly terms to Messrs. Giles, Venable, and Page. Adieu affectionately.

LETTER CCI.

TO EDWARD RUTLEDGE.

Monticello, December 27, 1796.

MY DEAR SIR,

* * * * * * * * *

You have seen my name lately tacked to so much of eulogy and of abuse, that I dare say you hardly thought it meant your old acquaintance of '76. In truth, I did not know myself under the pens either of my friends or foes. It is unfortunate for our peace, that unmerited abuse wounds, while unmerited praise has not the power to heal. These are hard wages for the services of all the active and healthy years of one's life. I had retired after five and twenty years of constant occupation in public affairs, and total abandonment of my own. I retired much poorer than when I entered the public service, and desired nothing but rest and oblivion. My name, however, was again brought forward, without concert or expectation on my part; (on my salvation I declare it.) I do not as yet know the result, as a matter of fact; for in my retired canton we have nothing later from Philadelphia than of the second week of this month. Yet I have never one moment doubted the result. I knew it was impossible Mr. Adams should lose a vote north of the Delaware, and that the free and moral agency of the south would furnish him an abundant supplement. On principles of public respect I should not have refused; but I protest before my God, that I shall, from the bottom of my heart, rejoice at escaping. I know well that no man will ever bring out of that office the reputation which carries him into it. The honey-moon would be as short in that case as in any other, and its moments of extacy would be ransomed by years of torment and hatred. I shall highly value, indeed, the share which I may have had in the late vote, as an evidence of the share I hold in the esteem of my countrymen. But in this point of view, a few votes mhre or less will be little sensible, and in every other, the minor will be preferred by me to the major vote. I have no ambition to govern men; no passion which would lead me to delight to ride in a storm. *Flumina amo,* *sylvasque, inglorius.* My attachment to my home has enabled me to make the calculation with rigor, perhaps with partiality, to the issue which keeps me there. The newspapers will permit me to plant my corn, pease, &c. in hills or drills as I please (and my oranges by the bye when you send .them), while our eastern friend will be struggling with the storm which is gathering over us; perhaps be shipwrecked in it. This is certainly not a moment to covet the helm.

I have often doubted whether most to praise or to blame your line of conduct. If you had lent to your country the excellent talents you possess, on you would have fallen those torrents of abuse which have lately been poured forth on me. So far, I praise the wisdom which has descried and steered clear of a water-spout ahead. But now for the blame. There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him. Counters will pay this from the poor of spirit; but from you, my freind, coin was due. There is no bankrupt-law in heaven, by which you may get off with shillings in the pound; with rendering to a single State what you owed to the whole confederacy. I think it was by the Roman law that a father was denied sepulture, unless his son would pay his debts. Happy for you and us, that you have a son whom genius and education have qualified to pay yours. But as you have been a good father in every thing else, be so in this also. Come forward and pay your own debts. Your friends, the Mr. Pinckneys, have at length undertaken their tour. My joy at this would be complete if you were in gear with them. I love to see honest and honorable men at the helm, men who will not bend their politics to their purses, nor pursue measures by which they may profit, and then profit by their measures. *Au diable les Bougres!* I am at the end of my curse and bottom of my page, so God bless you and yours. Adieu affectionately.

TH: JEFFERSON.

Statement, from memory, of a Letter I wrote to John Adams; copy omitted to be retained.

LETTER CCII.

Monticello, December 28, 1796.

DEAR SIR,

The public, and the public papers, have been much occupied lately in placing us in a point of opposition to each other. I confidently trust we have felt less of it ourselves. In the retired canton where I live, we know little of what is passing. Our last information from Philadelphia is of the 16th instant. At that date, the issue of the late election seems not to have been known as a matter of fact. With me, however, its issue was never doubted. I knew the impossibility of your losing a single vote north of the Delaware; and even if you should lose that of Pennsylvania in the mass, you would get enough south of it to make your election sure. I never for a single moment expected any other issue, and though I shall not be believed, yet it is not the less true, that I never wished any other. My neighbors, as my compurgators, could aver this fact, as seeing my occupations and my attachment to them. It is possible, indeed, that even you may be cheated of your succession by a trick worthy the subtlety of your arch friend of New York, who has been able to make of your real friends tools for defeating their and your just wishes. Probably, however, he will be disappointed as to you; and my inclinations put me out of his reach. I leave to others the sublime delights of riding in the storm, better pleased with sound sleep and a warmer birth below it, encircled with the society of my neighbors, friends, and fellow-laborers of the earth, rather than with spies and sycophants. Still, I shall value highly the share I may have had in the late vote, as a measure of the share I hold in the esteem of my fellow-citizens. In this point of view, a few votes less are but little sensible, while a few more would have been in their effect very sensible and oppressive to me. I have no ambition to govern men. It is a painful and thankless office. And never since the day you signed the treaty of Paris, has our horizon been so overcast. I devoutly wish you may be able to shun for us this war, which will destroy our agriculture, commerce, and credit. If you do, the glory will be all your own. And that your administration may be filled with glory and happiness to yourself, and advantage to us, is the sincere prayer of one, who, though in the course of our voyage, various little incidents have happened or been contrived to separate us, yet retains for you the solid esteem of the times when we were working for our independence, and sentiments of sincere respect and attachment.

Th: Jefferson.

Statement, from memory, of a Letter I wrote to James Madison; copy omitted to be retained.

LETTER CCIII.

Monticello, January 1, 1797.

Dear Sir,

Yours of December the 19th is safely received. I never entertained a doubt of the event of the election. I knew that the eastern troops were trained in the schools of their town-meetings, to sacrifice little differences of opinion to the solid advantages of operating in phalanx, and that the more free and moral agency of the other States would fully supply their deficiency. I had no expectation, indeed, that the vote would have approached so near an equality. It is difficult to obtain full credit to declarations of disinclination to honors, and most so with those who still remain in the world. But never was there a more solid unwillingness, founded on rigorous calculation, formed in the mind of any man, short of peremptory refusal. No arguments, therefore, were necessary to reconcile me to a relinquishment of the first office, or acceptance of the second. No motive could have induced me to undertake the first, but that of putting our vessel upon her republican tack, and preventing her being driven too far to leeward of her true principles. And the second is the only office in the world about which I cannot decide in my own mind, whether I had rather have it or not have it. Pride does not enter into the estimate. For I think with the Romans of old, that the General of to-day should be a common soldier to-morrow, if necessary. But as to Mr. Adams, particularly, I could have no feelings which would revolt at being placed in a secondary station to him. I am his junior in life, I was his junior in Congress, his junior in the diplomatic line, and lately his junior in our civil government. I had written him the enclosed letter before the receipt of yours. I had intended it for some time, but had put it off, from time to time, from the discouragement of despair to make him believe me sincere. As the information by the last post does not make it necessary to change any thing in the letter, I enclose it open for your perusal, as well that you may be possessed of the true state of dispositions between us, as that if there be any circumstance which might render its delivery ineligible, you may return it to me. If Mr. Adams could be induced to administer the government on its true principles, quitting his bias for an English constitution, it would be worthy consideration whether it would not be for the public good, to come to a good understanding with him as to his future elections. He is the only sure barrier against Hamilton's getting in.

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The Political Progress is a work of value and of a singular complexion. The author's eye seems to be a natural achromatic, divesting every object of the glare of color. The former work of the same title possessed the same kind of merit. They disgust one, indeed, by opening to his view the ulcerated state of the human mind. But to cure an ulcer you must go to the bottom of it, which no author does more radically than this. The reflections into which it leads us are not very flattering to the human species. In the whole animal kingdom I recollect no family but man, steadily and systematically employed in the destruction of itself. Nor does what is called civilization produce any other effect than to teach him to pursue the principle of the *bellum omnium in omnia* on a greater scale, and instead of the little contests between tribe and tribe, to comprehend all the quarters of the earth in the same work of destruction. If to this we add, that, as to other animals, the lions and tigers are mere lambs compared with man as a destroyer, we must conclude that nature has been able to find in man alone a sufficient barrier against the too great multiplication of other animals and of man himself, an equilibrating power against the fecundity of generation. While, in making these observations, my situation points my attention to the warfare of man in the physical world, yours may perhaps present him as equally warring in the moral one.

Adieu. Yours affectionately.

TH: JEFFERSON.

LETTER CCIV.

TO MR. VOLNEY.

Monticello, January 8, 1797.

DEAR SIR,

I received yesterday your two favors of December the 26th and 29th. Your impatience to receive your valise and its key was natural: and it is we who have been to blame; Mr. Randolph, for not taking information of the vessel and address to which your valise was committed, and myself, for having waited till I heard of your being again immerged into the land of newspapers before I forwarded your key. However, as you have at length got them safe, I claim absolution under the proverb, that 'all is well which ends well.'

About the end of 1793, I received from Mr. Dombey (then at Lyons) a letter announcing his intention to come here. And in May, 1794, I received one from a M. L'Epine, dated from New York, and stating himself to be master of the brig De Boon, Captain Brown, which had sailed from Havre with Mr. Dombey on board, who had sealed up his baggage and wrote my address on them, to save them in case of capture; and that when they were taken, the address did in fact protect them. He mentioned then the death of Mr. Dombey, and that he had delivered his baggage to the Custom-House at New York. I immediately wrote to M. L'Epine, disclaiming any right or interest in the packages under my address, and authorizing, as far as depended on me, the Consul at New York, or any person the representative of Mr. Dombey to open the packages and dispose of them according to right. I enclosed this letter open to Mr. Randolph, then Secretary of State, to get his interference for the liberation of the effects. It may have happened that he failed to forward the letter, or that M. L'Epine may have gone before it reached New York. In any event, I can do no more than repeat my disclaimer of any right to Mr. Dombey's effects, and add all the authority which I can give to yourself, or to the Consul of France at New York, to do with those effects whatever I might do. Certainly it would be a great gratification to me to receive the Mètre and Grave committed to Mr. Dombey for me, and that you would be so good as to be the channel of my acknowledgments to Bishop Grégoire, or any one else to whom I should owe this favor.

You wish to know the state of the air here during the late cold spell, or rather the present one, for it is at this moment so cold that the ink freezes in my pen, so that my letter will scarcely be legible.

The following is copied from my diary.

	Sun rise.	3 P. M.		Sun rise.	3 P. M.		Sun rise.	3 P. M.	
Nov. 22	60	69	Dec. 19	50	48	Dec. 28	18	34	
23	32 1-2	44	20	19	"	29	30	39	
24	23	28	21	24	"	30	31	34	a snow 1 1-2 inches deep.
25	21	35	22	12	"	31	34	39	
26	12	26	23	5 below 0	11	Jan. 1	0	30	43
27	15	29	24	0	20	2	28	33	
28	18	"	25	18	32	3	23	30	a snow 3 inches deep.
29	25	36	26	21	30	4	23	30	
30	22	43	27	15	20	5	21	35	
						6	27	38	
						7	25	22	
						8	12		

In the winter of 1779–80, the mercury in Fahrenheit's thermometer fell at Williamsburg once to six degrees above zero. In 1783–84, I was at Annapolis without a thermometer, and I do not know that there was one in that State: I heard from Virginia, that the mercury was again down to six degrees. In 1789–90, I was at Paris. The mercury here was as low as eighteen degrees below zero, of Fahrenheit. These have been the most remarkably cold winters ever known in America. We are told, however, that in 1762, at Philadelphia, it was twenty-two degrees below zero: in December, 1793, it was three degrees below zero there by my thermometer. On the 31st of January, 1796, it was one and three-fourth degrees above zero at Monticello. I shall therefore have to change the maximum of our cold, if ever I revise the Notes on Virginia; as six degrees above zero was the greatest which had ever been observed.

It seems possible, from what we hear of the votes at the late election, that you may see me in Philadelphia about the beginning of March, exactly in that character which, if I were to re-appear at Philadelphia, I would prefer to all others; for I change the sentiment of Clorinda to 'L' alte temo, l' humili non sdegno.' I have no inclination to govern men. I should have no views of my own in doing it; and as to those of the governed, I had rather that their disappointment (which must always happen) should be pointed to any other cause, real or supposed, than to myself. I value the late vote highly; but it is only as the index of the place I hold in the esteem of my fellow citizens. In this point of view, the difference between sixty-eight and seventy-one votes is little sensible, and still less that between the real vote, which was sixty-nine and seventy; because one real elector in Pennsylvania was excluded from voting by the miscarriage of the votes, and one who was not an elector was admitted to vote. My farm, my family, my books, and my building give me much more pleasure than any public office would, and, especially, one which would keep me constantly from them. I had hoped, when you were here, to have finished the walls of my house in the autumn, and to have covered it early in winter. But we did not finish them at all. I have to resume the work, therefore, in the spring, and to take off the roof of the old part during the summer, to cover the whole. This will render it necessary for me to make a very short stay in Philadelphia, should the late vote have given me any public duty there. My visit there will be merely out of respect to the public, and to the new President.

I am sorry you have received so little information on the subject of our winds. I had once (before our revolutionary war) a project on the same subject. As I had then an extensive acquaintance over this State, I meant to have engaged some person in every county of it, giving them each a thermometer, to observe that and the winds twice a day, for one year, to wit, at sunrise and at four P. M. (the coldest and the warmest point of the twenty-four hours) and to communicate their observations to me at the end of the year. I should then have selected the days in which it appeared that the winds blew to a centre within the State, and have made a map of them, and seen how far they had analogy with the temperature of the air. I meant this to be merely a specimen to be communicated to the Philosophical Society at Philadelphia, in order to engage them, by means of their correspondents, to have the same thing done in every State, and through a series of years. By seizing the days when the winds centred in any part of the United States, we might, in time, have come at some of the causes which determine the direction of the winds, which I suspect to be very various. But this long-winded project was prevented by the war which came upon us, and since that I have been far otherwise engaged. I am sure you will have viewed the subject from much higher ground, and I shall be happy to learn your views in some of the hours of *délassement*, which I hope we are yet to pass together. To this must be added your observations on the new character of man, which you have seen in your journey, as he is in all his shapes a curious animal, on whom no one is better qualified to judge than yourself; and no one will be more pleased to participate of your views of him than one, who has the pleasure of offering you his sentiments of sincere respect and esteem.

TH: JEFFERSON.

LETTER CCV.

TO HENRY TAZEWELL.

Monticello, January 16, 1797.

DEAR SIR,

As far as the public papers are to be credited, I may suppose that the choice of Vice-President has fallen on me. On this hypothesis I trouble you, and only pray, if it be wrong, that you will consider this letter as not written. I believe it belongs to the Senate to notify the Vice-President of his election. I recollect to have heard, that on the first election of President and Vice-

President, gentlemen of considerable office were sent to notify the parties chosen. But this was the inauguration of our new government, and ought not to be drawn into example. At the second election, both gentlemen were on the spot and needed no messengers. On the present occasion, the President will be on the spot, so that what is now to be done respects myself alone : and considering that the season of notification will always present one difficulty, that the distance in the present case adds a second, not inconsiderable, and which may in future happen to be sometimes much more considerable, I hope the Senate will adopt that method of notification, which will always be least troublesome and most certain. The channel of the post is certainly the least troublesome, is the most rapid, and, considering also that it may be sent by duplicates and triplicates, is unquestionably the most certain. Indorsed to the postmaster at Charlottesville, with an order to send it by express, no hazard can endanger the notification. Apprehending, that should there be a difference of opinion on this subject in the senate, my ideas of self-respect might be supposed by some to require something more formal and inconvenient, I beg leave to avail myself of your friendship to declare, if a different proposition should make it necessary, that I consider the channel of the post-office as the most eligible in every respect, and that it is to me the most desirable; which I take the liberty of expressing, not with a view of encroaching on the respect due to that discretion which the Senate have a right to exercise on the occasion, but to render them the more free in the exercise of it, by taking off whatsoever weight the supposition of a contrary desire in me might have on the mind of any member.

I am, with sincere respect, Dear Sir, your friend and servant,

TH : JEFFERSON.

LETTER CCVI.

TO JAMES MADISON.

Monticello, January 16, 1797.

DEAR SIR,

The several accidents of the winter, ice, floods, rains, prevented the Orange post from coming to Charlottesville the last post-day, so that we have nothing from Philadelphia the last week. I see however, by the Richmond papers, a probability that the choice of Vice-President has fallen on me. I have written the enclosed letter therefore to Mr. Tazewell, as a private friend, and have left it open for your perusal. It will explain its own object, and I pray you and Mr. Tazewell to decide in your own discretion how it may best be used for its object, so as to avoid the imputation of an indecent forwardness in me.

I observe doubts are still expressed as to the validity of the Vermont election. Surely, in so great a case, substance, and not form, should prevail. I cannot suppose that the Vermont constitution has been strict in requiring particular forms of expressing the legislative will. As far as my disclaimer may have any effect, I pray you to declare it on every occasion, foreseen or not foreseen by me, in favor of the choice of the people substantially expressed, and to prevent the phenomenon of a pseudo-President at so early a day. Adieu. Yours affectionately,

TH: JEFFERSON.

LETTER CCVII.

TO JAMES MADISON.

Monticello, January 22, 1797.

DEAR SIR,

Yours of the 8th came to hand yesterday. I was not aware of any necessity of going on to Philadelphia immediately, yet I had determined to do it as a mark of respect to the public, and to do away the doubts which have spread, that I should consider the second office as beneath my acceptance. The journey, indeed, for the month of February, is a tremendous undertaking for me, who have not been seven miles from home since my re-settlement. I will see you about the rising of Congress; and presume I need not stay there a week. Your letters written before the 7th of February will still find me here. My letters inform me that Mr. Adams speaks of me with great friendship, and with satisfaction in the prospect of administering the government in concurrence with me. I am glad of the first information, because though I saw that our ancient friendship was affected by a little leaven, produced partly by his constitution, partly by the contrivance of others, yet I never felt a diminution of confidence in his integrity, and retained a solid affection for him. His principles of government I knew to be changed, but conscientiously changed. As to my participating in the administration, if by that he meant the executive cabinet, both duty and inclination will shut that door to me. I cannot have a wish to see the scenes of 1793 revived as to myself, and to descend daily into the arena like a gladiator, to suffer martyrdom in every conflict. As to duty, the constitution will know me only as the member of a legislative body: and its principle is, that of a separation of legislative, executive, and judiciary functions, except in cases specified. If this principle be not expressed in direct terms, yet it is clearly the spirit of the constitution, and it ought to be so commented and acted on by every friend to free government.

I sincerely deplore the situation of our affairs with France. War with them, and consequent alliance with Great Britain, will completely compass the object of the executive council, from the commencement of the war between France and England; taken up by some of them from that moment, by others, more latterly. I still, however, hope it will be avoided. I do not believe Mr. Adams wishes war with France; nor do I believe he will truckle to England as servilely as has been done. If he assumes this front at once, and shows that he means to attend to self-respect and national dignity with both the nations, perhaps the depredations of both on our commerce may be amicably arrested. I think we should begin first with those who first began with us, and, by an example on them, acquire a right to re-demand the respect from which the other party has departed.

I suppose you are informed of the proceeding commenced by the legislature of Maryland, to claim the south branch of the Potomac as their boundary, and thus of Albemarle, now the central county of the State, to make a frontier. As it is impossible, upon any consistent principles, and after such a length of undisturbed possession, that they can expect to establish their claim, it can be ascribed to no other than an intention to irritate and divide; and there can be no doubt from what bow the shaft is shot. However, let us cultivate Pennsylvania, and we need not fear the universe. The Assembly have named me among those who are to manage this controversy. But I am so averse to motion and contest, and the other members are so fully equal to the business, that I cannot undertake to act in it. I wish you were added to them. Indeed, I wish and hope you may consent to be added to our Assembly itself. There is no post where you can render greater services, without going out of your State. Let but this block stand firm on its basis, and Pennsylvania do the same, our Union will be perpetual, and our General Government kept within the bounds and form of the constitution. Adieu affectionately.

TH: JEFFERSON.

LETTER CCVIII.

TO JAMES MADISON.

Monticello, January 30, 1797.

Yours of the 18th came to hand yesterday. I am very thankful for the discretion you have exercised over the letter. That has happened to be the case, which I knew to be possible, that the honest expression of my feelings towards Mr. Adams might be rendered *mal-apropos* from circumstances existing, and known at the seat of government, but not known by me in my retired situation. Mr. Adams and myself were cordial friends from the beginning of the revolution. Since our return from Europe, some little incidents have happened, which were capable of affecting a jealous mind like his. His deviation from that line of politics on which we had been united, has not made me less sensible of the rectitude of his heart: and I wished him to know this, and also another truth, that I am sincerely pleased at having escaped the late draught for the helm, and have not a wish which he stands in the way of. That he should be convinced of these truths, is important to our mutual satisfaction, and perhaps to the harmony and good of the public service. But there was a difficulty in conveying them to him, and a possibility that the attempt might do mischief there or somewhere else; and I would not have hazarded the attempt, if you had not been in place to decide upon its expediency. It has now become unnecessary to repeat it by a letter.

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I have turned to the constitution and laws, and find nothing to warrant the opinion that I might not have been qualified here, or wherever else I could meet with a Senator; any member of that body being authorized to administer the oath, without being confined to time or place, and consequently to make a record of it, and to deposit it with the records of the Senate. However, I shall come on, on the principle which had first determined me, respect to the public. I hope I shall be made a part of no ceremony whatever. I shall escape into the city as covertly as possible. If Governor Mifflin should show any symptoms of ceremony, pray contrive to parry them. We have now fine mild weather here. The thermometer is above the point which renders fires necessary. Adieu affectionately.

TH: JEFFERSON.

LETTER CCIX.

TO JAMES SULLIVAN.

Monticello, February 9, 1797.

DEAR SIR,

I have many acknowledgments to make for the friendly anxiety you are pleased to express in your letter of January the 12th, for my undertaking the office to which I have been elected. The idea that I would accept the office of President, but not that of Vice-President of the United States, had not its origin with me. I never thought of questioning the free exercise of the right of my fellow-citizens, to marshal those whom they call into their service according to their fitness, nor ever presumed that they were not the best judges of that. Had I indulged a wish in what manner they should dispose of me, it would precisely have coincided with what they have done. Neither the splendor, nor the power, nor the difficulties, nor the fame, or defamation, as may happen, attached to the first magistracy, have any attractions for me. The helm of a free government is always arduous, and never was ours more so, than at a moment when two friendly people are like to be committed in war by the ill temper of their administrations. I am so much attached to my domestic situation, that I would not have wished to leave it at all. However, if I am to be called from it, the shortest absences and most tranquil station suit me best. I value highly, indeed, the part my fellow-citizens gave me in their late vote, as an evidence of their esteem, and I am happy in the information you are so kind as to give, that many in the eastern quarter entertain the same sentiment.

Where a constitution, like ours, wears a mixed aspect of monarchy and republicanism, its citizens will naturally divide into two classes of sentiment, according as their tone of body or mind, their habits, connections, and callings, induce them to wish to strengthen either the monarchical or the republican features of the constitution. Some will consider it as an elective monarchy, which had better be made hereditary, and therefore endeavor to lead towards that all the forms and principles of its administration. Others will view it as an energetic republic, turning in all its points on the pivot of free and frequent elections. The great body of our native citizens are unquestionably of the republican sentiment. Foreign education, and foreign connections of interest, have produced some exceptions in every part of the Union, north and south; and perhaps other circumstances in your quarter, better known to you, may have thrown into the scale of exceptions a greater number of the rich. Still there, I believe, and here, I am sure, the great mass is republican. Nor do any of the forms in which the public disposition has been pronounced in the last half dozen years, evince the contrary. All of them, when traced to their true source, have only been evidences of the preponderant popularity of a particular great character. That influence once withdrawn, and our countrymen left to the operation of their own unbiassed good sense, I have no doubt we shall see a pretty rapid return of general harmony, and our citizens moving in phalanx in the paths of regular liberty, order, and a sacrosanct adherence to the constitution. Thus I think it will be, if war with France can be avoided. But if that untoward event comes athwart us in our present point of deviation, no body, I believe, can foresee into what port it will drive us.

I am always glad of an opportunity of inquiring after my most ancient and respected friend Mr. Samuel Adams. His principles, founded on the immovable basis of equal right and reason, have continued pure and unchanged. Permit me to place here my sincere veneration for him, and wishes for his health and happiness; and to assure yourself of the sentiments of esteem and respect, with which I am, Dear Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CCX.

TO ELBRIDGE GERRY.

Philadelphia, May 13, 1797.

MY DEAR FRIEND,

Your favor of the 4th instant came to hand yesterday. That of the 4th of April, with the one for Monroe, has never been received. The first, of March the 27th, did not reach me till April the 21st, when I was within a few days of setting out for this place, and I put off acknowledging it till I should come here. I entirely commend your dispositions towards Mr. Adams; knowing his worth as intimately and esteeming it as much as any one, and acknowledging the preference of his claims, if any I could have had, to the high office conferred on him. But in truth, I had neither claims nor wishes on the subject, though I know it will be difficult to obtain belief of this. When I retired from this place and the office of

Secretary of State, it was in the firmest contemplation of never more returning here. There had indeed been suggestions in the public papers, that I was looking towards a succession to the President's chair, but feeling a consciousness of their falsehood, and observing that the suggestions came from hostile quarters, I considered them as intended merely to excite public odium against me. I never in my life exchanged a word with any person on the subject, till I found my name brought forward generally, in competition with that of Mr. Adams. Those with whom I then communicated, could say, if it were necessary, whether I met the call with desire, or even with a ready acquiescence, and whether from the moment of my first acquiescence, I did not devoutly pray that the very thing might happen which has happened. The second office of this government is honorable and easy, the first is but a splendid misery.

You express apprehensions that stratagems will be used, to produce a misunderstanding between the President and myself. Though not a word having this tendency has ever been hazarded to me by any one, yet I consider as a certainty that nothing will be left untried to alienate him from me. These machinations will proceed from the Hamiltonians by whom he is surrounded, and who are only a little less hostile to him than to me. It cannot but damp the pleasure of cordiality, when we suspect that it is suspected. I cannot help thinking, that it is impossible for Mr. Adams to believe that the state of my mind is what it really is; that he may think I view him as an obstacle in my way. I have no supernatural power to impress truth on the mind of another, nor he any to discover that the estimate which he may form, on a just view of the human mind as generally constituted, may not be just in its application to a special constitution. This may be a source of private uneasiness to us; I honestly confess that it is so to me at this time. But neither of us is capable of letting it have effect on our public duties. Those who may endeavor to separate us, are probably excited by the fear that I might have influence on the executive councils: but when they shall know that I consider my office as constitutionally confined to legislative functions, and that I could not take any part whatever in executive consultations, even were it proposed, their fears may perhaps subside, and their object be found not worth a machination.

I do sincerely wish with you, that we could take our stand on a ground perfectly neutral and independent towards all nations. It has been my constant object through my public life: and with respect to the English and French, particularly, I have too often expressed to the former my wishes, and made to them propositions verbally and in writing, officially and privately, to official and private characters, for them to doubt of my views, if they would be content with equality. Of this they are in possession of several written and formal proofs, in my own hand-writing. But they have wished a monopoly of commerce and influence with us; and they have in fact obtained it. When we take notice that theirs is the workshop to which we go for all we want; that with them centre either immediately or ultimately all the labors of our hands and lands; that to them belongs either openly or secretly the great mass of our navigation; that even the factorage of their affairs here, is kept to themselves by factitious citizenships; that these foreign and false citizens now constitute the great body of what are called our merchants, fill our sea-ports, are planted in every little town and district of the interior country, sway every thing in the former places by their own votes, and those of their dependents, in the latter, by their insinuations and the influence of their ledgers; that they are advancing fast to a monopoly of our banks and public funds, and thereby placing our public finances under their control; that they have in their alliance the most influential characters in and out of office; when they have shown that by all these bearings on the different branches of the government, they can force it to proceed in whatever direction they dictate, and bend the interests of this country entirely to the will of another; when all this, I say, is attended to, it is impossible for us to say we stand on independent ground, impossible for a free mind not to see and to groan under the bondage in which it is bound. If any thing after this could excite surprise, it would be that they have been able so far to throw dust in the eyes of our own citizens, as to fix on those who wish merely to recover self-government the charge of subserving one foreign influence because they resist submission to another. But they possess our printing presses, a powerful engine in their government of us. At this very moment, they would have drawn us into a war on the side of England, had it not been for the failure of her bank. Such was their open and loud cry, and that of their gazettes, till this event. After plunging us in all the broils of the European nations, there would remain but one act to close our tragedy, that is, to break up our union; and even this they have ventured seriously and solemnly to propose and maintain by arguments in a Connecticut paper. I have been happy, however, in believing, from the stifling of this effort, that that dose was found too strong, and excited as much repugnance there as it did horror in other parts of our country, and that whatever follies we may be led into as to foreign nations, we shall never give up our Union, the last anchor of our hope, and that alone which is to prevent this heavenly country from becoming an arena of gladiators. Much as I abhor war, and view it as the greatest scourge of mankind, and anxiously as I wish to keep out of the broils of Europe, I would yet go with my brethren into these, rather than separate from them. But I hope we may still keep clear of them, notwithstanding our present thraldom, and that time may be given us to reflect on the awful crisis we have passed through, and to find some means of shielding ourselves in future from foreign influence, political, commercial, or in whatever other form it may be attempted. I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us and the old world.

A perfect confidence that you are as much attached to peace and union as myself, that you equally prize independence of all nations and the blessings of self-government, has induced me freely to unbosom myself to you, and let you see the light in which I have viewed what has been passing among us from the beginning of the war. And I shall be happy, at all times, in an intercommunication of sentiments with you, believing that the dispositions of the different parts of our country have been considerably misrepresented and misunderstood in each part, as to the other, and that nothing but good can result from an exchange of information and opinions between those whose circumstances and morals admit no doubt of the integrity of their views.

I remain, with constant and sincere esteem, Dear Sir, your affectionate friend and servant,

Th: Jefferson.

LETTER CCXI.

TO GENERAL GATES.

Philadelphia, May 30, 1797.

Dear General,

I thank you for the pamphlet of Erskine enclosed in your favor of the 9th instant, and still more for the evidence which your letter affords me of the health of your mind, and I hope of your body also. Erskine has been reprinted here, and has done good. It has refreshed the memory of those who had been willing to forget how the war between France and England had been produced; and who, aping St. James's, called it a defensive war on the part of England. I wish any events could induce us to cease to copy such a model, and to assume the dignity of being original. They had their paper system, stockjobbing, speculations, public debt, monied interest, &c., and all this was contrived for us. They raised their cry against jacobinism and revolutionists, we against democratic societies and anti-federalists; their alarmists sounded insurrection, ours marched an army to look for one, but they could not find it. I wish the parallel may stop here, and that we may avoid, instead of imitating, a general bankruptcy and disastrous war.

Congress, or rather the Representatives, have been a fortnight debating between a more or less irritating answer to the President's speech. The latter was lost yesterday, by forty-eight against fifty-one or fifty-two. It is believed, however, that when they come to propose measures leading directly to war, they will lose some of their numbers. Those who have no wish but for the peace of their country, and its independence of all foreign influence, have a hard struggle indeed, overwhelmed by a cry as loud and imposing as if it were true, of being under French influence, and this raised by a faction composed of English subjects residing among us, or such as are English in all their relations and sentiments. However, patience will bring all to rights, and we shall both live to see the mask taken from their faces, and our citizens sensible on which side true liberty and independence are sought. Should any circumstance draw me further from home, I shall with great cordiality pay my respects to you at Rose-Hill, and am not without hope of meeting you here some time.

Here, there, and every where else, I am, with great and sincere attachment and respect, your friend and servant,

TH: JEFFERSON.

LETTER CCXII.

TO JAMES MADISON.

Philadelphia, June 1, 1797.

DEAR SIR,

I wrote you on the 18th of May. The address of the Senate was soon after that. The first draught was responsive to the speech, and higher toned. Mr. Henry arrived the day it was reported; the addressers had not yet their strength around them. They listened therefore to his objections, recommitted the papers, added him and Tazewell to the committee, and it was reported with considerable alterations; but one great attack was made on it, which was to strike out the clause approving every thing heretofore done by the executive. This clause was retained by a majority of four. They received a new accession of members, held a caucus, took up all the points recommended in the speech, except the raising money, agreed the list of every committee, and on Monday passed the resolutions and appointed the committees, by an uniform vote of seventeen to eleven. (Mr. Henry was accidentally absent; Ross not then come.) Yesterday they took up the nomination of John Quincy Adams to Berlin, which had been objected to as extending our diplomatic establishment. It was approved by eighteen to fourteen. (Mr. Tatnall accidentally absent.) From the proceedings we are able to see, that eighteen on the one side and ten on the other, with two wavering votes, will decide every question. Schuyler is too ill to come this session, and Gunn has not yet come. Pinckney (the General), John Marshall, and Dana are nominated Envoys Extraordinary to France. Charles Lee consulted a member from Virginia, to know whether Marshall would be agreeable. He named you, as more likely to give satisfaction. The answer was, 'Nobody of Mr. Madison's way of thinking will be appointed.'

The representatives have not yet got through their addresses. An amendment of Mr. Nicholas's, which you will have seen in the papers, was lost by a division of forty-six to fifty-two. A clause by Mr. Dayton, expressing a wish that France might be put on an equal footing with other nations, was inserted by fifty-two against forty-seven. This vote is most worthy of notice, because the moderation and justice of the proposition being unquestionable, it shows that there are forty-seven decided to go to all lengths to* * * * * *

They have received a new orator from the district of Mr. Ames. He is the son of the Secretary of the Senate. They have an accession from South Carolina also, that State being exactly divided. In the House of Representatives I learned the following facts, which give me real concern. When the British treaty arrived at Charleston, a meeting, as you know, was called, and a committee of seventeen appointed, of whom General Pinckney was one. He did not attend. They waited for him, sent for him: he treated the mission with great hauteur, and disapproved of their meddling. In the course of subsequent altercations, he declared that his brother, T. Pinckney, approved of every article of the treaty, under the existing circumstances, and since that time the politics of

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[* A few lines are here unintelligible.]

Charleston have been assuming a different hue. Young Rutledge joining Smith and Harper, is an ominous fact as to that whole interest.

Tobacco is at nine dollars, and flour very dull of sale. A great stagnation in commerce generally. During the present bankruptcy in England, the merchants seem disposed to lie on their oars. It is impossible to conjecture the rising of Congress, as it will depend on the system they decide on; whether of preparation for war, or inaction. In the vote of forty-six to fifty-two, Morgan, Machir, and Evans were of the majority, and Clay kept his seat, refusing to vote with either. In that of forty-seven to fifty-two, Evans was the only one of our delegation who voted against putting France on an equal footing with other nations.

P. M. So far I had written in the morning. I now take up my pen to add, that the addresses having been reported to the House, it was moved to disagree to so much of the amendment as went to the putting France on an equal footing with other nations, and Morgan and Machir turning tail (in consequence, as is said, of having been closeted last night by Charles Lee), the vote was forty-nine to fifty. So the principle was saved by a single vote. They then proposed that compensations for spoliations shall be a *sine quâ non*, and this will be decided on to-morrow.

Yours affectionately,

TH: JEFFERSON.

LETTER CCXIII.

TO COLONEL BURR.

Philadelphia, June 17, 1797.

DEAR SIR,

The newspapers give so minutely what is passing in Congress, that nothing of detail can be wanting for your information. Perhaps, however, some general view of our situation and prospects, since you left us, may not be unacceptable. At any rate, it will give me an opportunity of recalling myself to your memory, and of evidencing my esteem for you. You well know how strong a character of division had been impressed on the Senate by the British treaty. Common error, common censure, and common efforts of defence had formed the treaty majority into a common band, which feared to separate even on other subjects. Towards the close of the last Congress, however, it had been hoped that their ties began to loosen, and their phalanx to separate a little.

This hope was blasted at the very opening of the present session, by the nature of the appeal which the President made to the nation; the occasion for which had confessedly sprung from the fatal British treaty. This circumstance rallied them again to their standard, and hitherto we have had pretty regular treaty votes on all questions of principle. And indeed I fear, that as long as the same individuals remain, so long we shall see traces of the same division. In the House of Representatives the republican body has also lost strength. The non-attendance of five or six of that description has left the majority very equivocal indeed. A few individuals of no fixed system at all, governed by the panic or the prowess of the moment, flap as the breeze blows against the republican or the aristocratic bodies, and give to the one or the other a preponderance entirely accidental. Hence the dissimilar aspect of the address, and of the proceedings subsequent to that. The inflammatory composition of the speech excited sensations of resentment which had slept under British injuries, threw the wavering into the war scale, and produced the war address. Bonaparte's victories and those on the Rhine, the Austrian peace, British bankruptcy, mutiny of the seamen, and Mr. King's exhortations to pacific measures, have cooled them down again, and the scale of peace preponderates. The threatening propositions therefore, founded in the address, are abandoned one by one, and the cry begins now to be, that we have been called together to do nothing. The truth is, there is nothing to do, the idea of war being scouted by the events of Europe: but this only proves that war was the object for which we were called. It proves that the executive temper was for war; and that the convocation of the Representatives was an experiment of the temper of the nation, to see if it was in unison. Efforts at negotiation indeed were promised; but such a promise was as difficult to withhold, as easy to render nugatory. If negotiation alone had been meant, that might have been pursued without so much delay, and without calling the Representatives; and if strong and earnest negotiation had been meant, the additional nomination would have been of persons strongly and earnestly attached to the alliance of 1778. War then was intended. Whether abandoned or not, we must judge from future indications and events: for the same secrecy and mystery are affected to be observed by the present, which marked the former administration. I had always hoped, that the popularity of the late President being once withdrawn from active effect, the natural feelings of the people towards liberty would restore the equilibrium between the executive and legislative departments, which had been destroyed by the superior weight and effect of that popularity; and that their natural feelings of moral obligation would discountenance the ungrateful predilection of the executive in favor of Great Britain. But unfortunately, the preceding measures had already alienated the nation who were the object of them, had excited reaction from them, and this reaction has on the minds of our citizens an effect which supplies that of the Washington popularity. This effect was sensible on some of the late congressional elections, and this it is which has lessened the republican majority in Congress. When it will be reinforced, must depend on events, and these are so incalculable, that I consider the future character of our republic as in the air; indeed its future fortune will be in the air, if war is made on us by France, and if Louisiana becomes a Gallo-American colony.

I have been much pleased to see a dawn of change in the spirit of your State. The late elections have indicated something, which, at a distance, we do not understand. However, what with the English influence in the lower, and the Patroon influence in the upper parts of your State, I presume little is to be hoped. If a prospect could be once opened upon us of the penetration of truth into the Eastern States: if the people there, who are unquestionably republicans, could discover that they have been duped into the support of measures calculated to sap the very foundations of republicanism, we might still hope for salvation, and that it would come, as of old, from the East. But will that region ever awake to the true state of things? Can the middle, southern, and western States hold on till they awake? These are painful and doubtful questions: and if, in assuring me of your health, you can give me a comfortable solution of them, it will relieve a mind devoted to the preservation of our republican government in the true form and spirit in which it was established, but almost oppressed with apprehensions that fraud will at length effect what force could not, and that what with currents and counter-currents, we shall in the end, be driven back to the land from which we launched twenty years ago. Indeed, my dear Sir, we have been but a sturdy fish on the hook of a dexterous angler, who letting us flounce till we have spent our force, brings us up at last.

I am tired of the scene, and this day se'nnight shall change it for one, where, to tranquillity of mind, may be added pursuits of private utility, since none public are admitted by the state of things.

I am with great and sincere esteem, Dear Sir, your friend and servant,

TH: JEFFERSON.

P. S. Since writing the above, we have received a report that the French Directory has proposed a declaration of war against the United States to the Council of Ancients, who have rejected it. Thus we see two nations who love one another affectionately, brought by the ill temper of their executive administrations, to the very brink of a necessity to imbrue their hands in the blood of each other. T. J.

LETTER CCXIV.

TO ELBRIDGE GERRY.

Philadelphia, June 21, 1797.

My Dear Friend,

It was with infinite joy to me, that you were yesterday announced to the Senate, as Envoy Extraordinary, jointly with General Pinckney and Mr. Marshall, to the French republic. It gave me certain assurances that there would be a preponderance in the mission, sincerely disposed to be at peace with the French government and nation. Peace is undoubtedly at present the first object of our nation. Interest and honor are also national considerations. But interest, duly weighed, is in favor of peace even at the expense of spoliations past and future; and honor cannot now be an object. The insults and injuries committed on us by both the belligerent parties, from the beginning of 1793 to this day, and still continuing, cannot now be wiped off by engaging in war with one of them. As there is great reason to expect this is the last campaign in Europe, it would certainly be better for us to rub through this year, as we have done through the four preceding ones, and hope that, on the restoration of peace, we may be able to establish some plan for our foreign connections more likely to secure our peace, interest, and honor, in future. Our countrymen have divided themselves by such strong affections, to the French and the English, that nothing will secure us internally but a divorce from both nations; and this must be the object of every real American, and its attainment is practicable without much self-denial. But, for this, peace is necessary. Be assured of this, my dear Sir, that if we engage in a war during our present passions, and our present weakness in some quarters, our Union runs the greatest risk of not coming out of that war in the shape in which it enters it. My reliance for our preservation is in your acceptance of this mission. I know the tender circumstances which will oppose themselves to it. But its duration will be short, and its reward long. You have it in your power, by accepting and determining the character of the mission, to secure the present peace and eternal union of your country. If you decline, on motives of private pain, a substitute may be named who has enlisted his passions in the present contest, and by the preponderance of his vote in the mission may entail on us calamities, your share in which, and your feelings, will outweigh whatever pain a temporary absence from your family could give you. The sacrifice will be short, the remorse would be never-ending. Let me then, my dear Sir, conjure your acceptance, and that you will, by this act, seal the mission with the confidence of all parties. Your nomination has given a spring to hope, which was dead before.

I leave this place in three days, and therefore shall not here have the pleasure of learning your determination. But it will reach me in my retirement, and enrich the tranquillity of that scene. It will add to the proofs which have convinced me that the man who loves his country on its own account, and not merely for its trappings of interest or power, can never be divorced from it, can never refuse to come forward when he finds that she is engaged in dangers which he has the means of warding off. Make then an effort, my friend, to renounce your domestic comforts for a few months, and reflect that to be a good husband and good father at this moment, you must be also a good citizen. With sincere wishes for your acceptance and success, I am, with unalterable esteem, Dear Sir, your affectionate friend and servant,

TH: JEFFERSON.

LETTER CCXV.

TO EDWARD RUTLEDGE.

Philadelphia, June 24, 1797.

MY DEAR SIR,

I have to acknowledge your two favors of May the 4th and 19th, and to thank you for your attentions to the commissions for the pease and oranges, which I learn have arrived in Virginia. Your draft I hope will soon follow on Mr. John Barnes, merchant here, who, as I before advised you, is directed to answer it.

When Congress first met, the assemblage of facts presented in the President's speech, with the multiplied accounts of spoliations by the French West-Indians, appeared, by sundry votes on the address, to incline a majority to put themselves in a posture of war. Under this influence the address was formed, and its spirit would probably have been pursued by corresponding measures, had the events of Europe been of an ordinary train. But this has been so extraordinary, that numbers have gone over to those, who, from the first, feeling with sensibility the French insults, as they had felt those of England before, thought now as they thought then, that war measures should be avoided, and those of peace pursued. Their favorite engine, on the former occasion, was *commercial regulations*, in preference to negotiations, to war preparation, and increase of debt. On the latter, as we have no commerce with France, the restriction of which could press on them, they wished for negotiation. Those of the opposite sentiment had, on the former occasion, preferred negotiation, but at the same time voted for great war preparations, and increase of debt: now also they were for negotiation, war preparations, and debt. The parties have in debate mutually charged each other with inconsistency, and with being governed by an attachment to this or that of the belligerent nations, rather than the dictates of reason and pure Americanism. But in truth, both have been consistent: the same men having voted for war measures who did before, and the same against them now who did before. The events of Europe coming to us in astonishing and rapid succession, to wit, the public bankruptcy of England, Bonaparte's successes, the successes on the Rhine, the Austrian peace, mutiny of the British fleet, Irish insurrection, a demand of forty-three millions for the current services of the year, and above all, the warning voice, as is said, of Mr. King, to abandon all thought of connection with Great Britian, that she is going down irrecoverably, and will sink us also, if we do not clear ourselves, have brought over several to the pacific party, so as, at present, to give majorities against all threatening measures. They go on with frigates and fortifications, because they were going on with them before. They direct eighty thousand of their militia to hold themselves in readiness for service. But they reject the propositions to raise cavalry, artillery, and a provisional army, and to trust private ships with arms in the present combustible state of things. They believe the present is the last campaign of Europe, and wish to rub through this fragment of a year as they have through the four preceding ones, opposing patience to insult, and interest to honor. They will, therefore, immediately adjourn. This is indeed a most humiliating state of things, but it commenced in 1793. Causes have been adding to causes, and effects accumulating on effects, from that time to this. We had, in 1793, the most respectable character in the universe. What the neutral nations think of us now, I know not; but we are low indeed with the belligerents. Their kicks and cuffs prove their contempt. If we weather the present storm, I hope we shall avail ourselves of the calm of peace, to place our foreign connections under a new and different arrangement. We must make the interest of every nation stand surety for their justice, and their own loss to follow injury to us, as effect follows its cause. As to every thing except commerce, we ought to divorce ourselves from them all. But this system would require time, temper, wisdom, and occasional sacrifice of interest: and how far all of these will be ours, our children may see, but we shall not. The passions are too high at present, to be cooled in our day. You and I have formerly seen warm debates and high political passions. But gentlemen of different politics would then speak to each other, and separate the business of the Senate from that of society. It is not so now. Men who have been intimate all their lives, cross the streets to avoid meeting, and turn their heads another way, lest they should be obliged to touch their hats. This may do for young men with whom passion is enjoyment. But it is afflicting to peaceable minds. Tranquillity is the old man's milk. I go to enjoy it in a few days, and to exchange the roar and tumult of bulls and bears, for the prattle of my grand-children and senile rest. Be these yours, my dear friend, through long years, with every other blessing, and the attachment of friends as warm and sincere, as yours affectionately,

TH: JEFFERSON.

LETTER CCXVI.

THOMAS JEFFERSON TO JAMES MADISON.

Monticello, August 3, 1797.

I scribbled you a line on the 24th ultimo: it missed of the post, and so went by a private hand. I perceive from yours by Mr. Bringhurst, that you had not received it. In fact, it was only an earnest exhortation to come here with Monroe, which I still hope you will do. In the mean time, I enclose you a letter from him, and wish your opinion on its principal subject. The variety of other topics the day I was with you, kept out of sight the letter to Mazzei imputed to me in the papers, the general substance of which is mine, though the diction has been considerably altered and varied in the course of its translations from English into Italian, from Italian into French, and from French into English. I first met with it at Bladensburg, and for a moment conceived I must take the field of the public papers. I could not disavow it wholly, because the greatest part was mine in substance, though not in form. I could not avow it as it stood, because the form was not mine, and, in one place, the substance very materially falsified. This, then, would render explanations necessary; nay, it would render proofs of the whole necessary, and draw me at length into a publication of all (even the secret) transactions of the administration, while I was of it: and embroil me personally with every member of the executive, with the judiciary, and with others still. I soon decided in my own mind, to be entirely silent. I consulted with several friends at Philadelphia, who, every one of them, were clearly against my avowing or disavowing, and some of them conjured me most earnestly to let nothing provoke me to it. I corrected in conversation with them, a substantial misrepresentation in the copy published. The original has a sentiment like this (for I have it not before me), 'They are endeavoring to submit us to the substance, as they already have to the *forms* of the British government;' meaning by *forms*, the birth-days, levees, processions to parliament, inauguration pomposities, &c. But the copy published says, 'as they have already submitted us to the *form* of the British,' &c.; making me express hostility to the form of our government, that is to say, to the constitution itself. For this is really the difference of the word *form*, used in the singular or plural, in that phrase, in the English language. Now it would be impossible for me to explain this publicly, without bringing on a personal difference between General Washington and myself, which nothing before the publication of this letter has ever done. It would embroil me also with all those with whom his character is still popular, that is to say, nine tenths of the people of the United States; and what good would be obtained by avowing the letter with the necessary explanations? Very little indeed, in my opinion, to counterbalance a good deal of harm. From my silence in this instance, it cannot be inferred that I am afraid to own the general sentiments of the letter. If I am subject to either imputation, it is to that of avowing such sentiments too frankly both in private and public, often when there is no necessity for it, merely because I disdain every thing like duplicity. Still, however, I am open to conviction. Think for me on the occasion, and advise me what to do, and confer with Colonel Monroe on the subject.

Let me entreat you again to come with him; there are other important things to consult on. One will be his affair. Another is the subject of the petition now enclosed to you, to be proposed to our district, on the late presentment of our representative by the grand jury: the idea it brings forward is still confined to my own breast. It has never been mentioned to any mortal, because I first wish your opinion on the expediency of the measure. If you approve it, I shall propose to * * * or some other, to father it, and to present it to the counties at their general muster. This will be in time for our Assembly. The presentment going in the public papers just at the moment when Congress was together, produced a great effect both on its friends and foes in that body, very much to the disheartening and mortification of the latter. I wish this petition, if approved, to arrive there under the same circumstances, to produce the counter effect so wanting for their gratification. I could have wished to receive it from you again at our court on Monday, because * * * and * * * will be there, and might also be consulted, and commence measures for putting it into motion. If you can return it then, with your opinion, it will be of importance. Present me affectionately to Mrs. Madison, and convey to her my entreaties to interpose her good offices and persuasives with you to bring her here, and before we uncover our house, which will yet be some weeks.

Salutations and adieu.

LETTER CCXVII.

TO COLONEL ARTHUR CAMPBELL.

Monticello, September 1, 1797.

Dear Sir,

I have to acknowledge the receipt of your favor of July the 4th, and to recognise in it the sentiments you have ever held, and worthy of the day on which it is dated. It is true that a party has risen up among us, or rather has come among us, which is endeavoring to separate us from all friendly connection with France, to unite our destinies with those of Great Britian, and to assimilate our government to theirs. Our lenity in permitting the return of the old tories, gave the first body to this party; they have been increased by large importations of British merchants and factors, by American merchants dealing on British capital, and by stock-dealers and banking-companies, who, by the aid of a paper system, are enriching themselves to the ruin of our country, and swaying the government by their possession of the printing-presses, which their wealth commands, and by other means, not always honorable to the character of our countrymen. Hitherto, their influence and their system have been irresistible, and they have raised up an executive power which is too strong for the legislature. But I flatter myself they have passed their zenith. The people, while these things were doing, were lulled into rest and security from a cause which no longer exists. No prepossessions now will shut their ears to truth. They begin to see to what port their leaders were steering during their slumbers, and there is yet time to haul in, if we can avoid a war with France. All can be done peaceably, by the people confining their choice of Representatives and Senators to persons attached to republican government and the principles of 1776, not office-hunters, but farmers, whose interests are entirely agricultural. Such men are the true representatives of the great American interest, and are alone to be relied on for expressing the proper American sentiments. We owe gratitude to France, justice to England, good-will to all, and subservience to none. All this must be brought about by the people, using their elective rights with prudence and self-possession, and not suffering themselves to be duped by treacherous emissaries. It was by the sober sense of our citizens that we were safely and steadily conducted from monarchy to republicanism, and it is by the same agency alone we can be kept from falling back. I am happy in this occasion of reviving the memory of old things, and of assuring you of the continuance of the esteem and respect of, Dear Sir, your friend and servant,

TH: JEFFERSON.

LETTER CCXVIII.

THOMAS JEFFERSON TO JAMES MONROE.

Monticello, September 7, 1797.

The doubt which you suggest as to our jurisdiction over the case of the Grand Jury *vs.* Cabell had occurred to me, and naturally occurs on first view of the question. But I knew, that to send the petition to the House of Representatives in Congress, would make bad worse; that a majority of that House would pass a vote of approbation. On examination of the question, too, it appeared to me that we could maintain the authority of our own government over it.

A right of free correspondence between citizen and citizen, on their joint interests, whether public or private, and under whatsoever laws these interests arise (to wit, of the State, of Congress, of France, Spain, or Turkey), is a natural right: it is not the gift of any municipal law, either of England, of Virginia, or of Congress: but in common with all our other natural rights, it is one of the objects for the protection of which society is formed, and municipal laws established.

The courts of this commonwealth (and among them the General Court, as a court of impeachment) are originally competent to the cognizance of all infractions of the rights of one citizen by another citizen: and they still retain all their judiciary cognizances not expressly alienated by the federal constitution.

The federal constitution alienates from them all cases arising, 1st, under the constitution; 2ndly, under the laws of Congress; 3rdly, under treaties, &c. But this right of free correspondence, whether with a public representative in General Assembly, in Congress, in France, in Spain, or with a private one charged with pecuniary trust, or with a private friend, the object of our esteem, or any other, has not been given to us under, 1st, the federal constitution; 2ndly, any law of Congress; or 3rdly, any treaty; but, as before observed, by nature. It is therefore not alienated, but remains under the protection of our courts.

Were the question even doubtful, that is no reason for abandoning it. The system of the General Government is to seize all doubtful ground. We must join in the scramble, or get nothing. Where first occupancy is to give right, he who lies still loses all. Besides, it is not right for those who are only to act in a preliminary form, to let their own doubts preclude the judgment of the court of ultimate decision. We ought to let it go to the House of Delegates for their consideration, and they, unless the contrary be palpable, ought to let it go to the General Court, who are ultimately to decide on it.

It is of immense consequence that the States retain as complete authority as possible over their own citizens. The withdrawing themselves under the shelter of a foreign jurisdiction, is so subversive of order and so pregnant of abuse, that it may not be amiss to consider how far a law of *præmunire* should be revised and modified, against all citizens who attempt to carry their causes before any other than the State courts, in cases where those other courts have no right to their cognizance. A plea to the jurisdiction of the courts of their State, or a reclamation of a foreign jurisdiction, if adjudged valid, would be safe; but if adjudged invalid, would be followed by the punishment of *præmunire* for the attempt.

Think further of the preceding part of this letter, and we will have further conference on it. Adieu.

P. S. Observe, that it is not the breach of Mr. Cabell's privilege which we mean to punish: that might lie with Congress. It is the wrong done to the citizens of our district. Congress have no authority to punish that wrong. They can only take cognizance of it in vindication of their member.

LETTER CCXIX.

TO JAMES MADISON.

Philadelphia, January 3, 1798.

Dear Sir,

Your favor of the 25th came to hand yesterday. I shall observe your direction with respect to the post-day. I have spoken with the Deputy Postmaster-General on the subject of our Fredericksburg post. He never knew before that the Fredericksburg printer had taken the contract of the rider. He will be glad, if either in your neighborhood or ours, some good person will undertake to ride from April next. The price given this year is three hundred and thirty dollars, and it will go to the lowest bidder, who can be depended on. I understand (though not from him) that Wyatt will be changed; and in general they determine that printers shall not be postmasters or riders.

Our weather has been, here as with you, cold and dry. The thermometer has been at eight degrees. The river closed here the first week of December, which has caught a vast number of vessels destined for departure. It deadens also the demand for wheat. The price at New York is one dollar seventy-five cents, and of flour eight dollars fifty cents to nine dollars; tobacco eleven to twelve dollars; there need be no doubt of greater prices. The bankruptcies here continue: the prison is full of the most reputable merchants, and it is understood that the scene has not yet got to its height. Prices have fallen greatly. The market is cheaper than it has been for four years. Labor and house-rent much reduced. Dry goods somewhat. It is expected that they will fall till they get nearly to old prices. Money scarce beyond all example.

The Representatives have rejected the President's proposition for enabling him to prorogue them. A law has passed putting off the stamp-act till July next. The land-tax will not be brought on. The Secretary of the Treasury says he has money enough. No doubt these two measures may be taken up more boldly at the next session, when most of the elections will be over. It is imagined the stamp-act will be extended or attempted on every possible object. A bill has passed the Representatives to suspend for three years the law arresting the currency of foreign coins. The Senate propose an amendment, continuing the currency of the foreign gold only. Very possibly the bill may be lost. The object of opposing the bill is to make the French crowns a subject of speculation (for it seems they fell on the President's proclamation to a dollar in most of the States), and to force bank-paper (for want of other medium) through all the States generally. Tench Coxe is displaced, and no reason even spoken of. It is therefore understood to be for his activity during the late election. It is said that the people from hence, quite to the eastern extremity, are beginning to be sensible, that their government has been playing a foul game. In Vermont, Chipman was elected Senator by a majority of one, against the republican candidate. In Maryland, Loyd by a majority of one, against Winder, the republican candidate. Tichenor chosen Governor of Vermont by a very small majority. The House of Representatives of this State has become republican by a firm majority of six. Two counties, it is said, have come over generally to the republican side. It is thought the republicans have also a majority in the New York House of Representatives. Hard elections are expected there between Jay and Livingston, and here between Ross and M'Kean. In the House of Representatives of Congress, the republican interest has at present, on strong questions, a majority of about half a dozen, as is conjectured, and there are as many of their firmest men absent; not one of the anti-republicans is from his post. The bill for permitting private vessels to arm, was put off to the first Monday in February by a sudden vote, and a majority of five. It was considered as an index of their dispositions on that subject, though some voted both ways on other ground. It is most evident that the anti-republicans wish to get rid of Blount's impeachment. Many metaphysical niceties are handing about in conversation, to show that it cannot be sustained. To show the contrary, it is evident, must be the task of the republicans, or of nobody. Monroe's book is considered as masterly by all those who are not opposed in principle, and it is deemed unanswerable. An answer, however, is commenced in Fenno's paper of yesterday, under the signature of Scipio. The real author not yet conjectured. As I take these papers merely to preserve them, I will forward them to you, as you can easily return them to me on my arrival at home; for I shall not see you on my way, as I mean to go by the Eastern Shore and Petersburg. Perhaps the paragraphs in some of these abominable papers may draw from you now and then a squib. A pamphlet of Fauchet's appeared yesterday. I send you a copy under another cover. A hand-bill has just arrived here from New York, where they learn from a vessel which left Havre about the 9th of November, that the Emperor had signed the definitive articles, given up Mantua, evacuated Mentz, agreed to give passage to the French troops to Hanover, and that the Portuguese ambassador had been ordered to quit Paris, on account of the seizure of fort St. Julian's by the English, supposed with the connivance of Portugal. Though this is ordinary mercantile news, it looks like truth. The latest official intelligence from Paris, is from Talleyrand to the French Consul here (Lastombe), dated September the 28th, saying that our Envoys were arrived, and would find every disposition on the part of his government to accommodate with us.

My affectionate respects to Mrs. Madison; to yourself, health and friendship. Adieu.

TH: JEFFERSON.

LETTER CCXX.

TO JAMES MADISON.

Philadelphia, January 25, 1798.

DEAR SIR,

I wrote you last on the 2nd instant, on which day I received yours of December the 25th. I have not resumed my pen, because there has really been nothing worth writing about, but what you would see in the newspapers. There is, as yet, no certainty what will be the aspect of our affairs with France. Either the Envoys have not written to the government, or their communications are hushed up. This last is suspected, because so many arrivals have happened from Bordeaux and Havre. The letters from American correspondents in France have been always to Boston: and the experience we had last summer of their adroitness in counterfeiting this kind of intelligence, inspires doubts as to their late paragraphs. A letter is certainly received here by an individual, from Talleyrand, which says our Envoys have been heard, that their pretensions are high, that possibly no arrangement may take place, but that there will be no declaration of war by France. It is said that Bournonville has written that he has hopes of an accommodation (three audiences having then, November, been had), and to be himself a member of a new diplomatic mission to this country. On the whole, I am entirely suspended as to what is to be expected. The Representatives have been several days in debate on the bill for foreign intercourse. A motion has been made to reduce it to what it was before the extension of 1796. The debate will probably have good effects, in several ways, on the public mind, but the advocates for the reformation expect to lose the question. They find themselves deceived in the expectation entertained in the beginning of the session, that they had a majority. They now think the majority is on the other side by two or three, and there are moreover two or three of them absent. Blount's affair is to come on next. In the mean time, the Senate have before them a bill for regulating proceedings in impeachment. This will be made the occasion of offering a clause for the introduction of juries into these trials. (Compare the paragraph in the constitution which says, that all crimes, *except in cases of impeachment*, shall be by jury, with the eighth amendment, which says, that in *all* criminal prosecutions, the trial shall be by jury.) There is no expectation of carrying this; because the division in the Senate is of two to one, but it will draw forth the principles of the parties, and concur in accumulating proofs on which side all the sound principles are to be found.

Very acrimonious altercations are going on between the Spanish Minister and the executive, and at the Natchez something worse than mere altercation. If hostilities have not begun there, it has not been for want of endeavors to bring them on, by our agents. Marshall, of Kentucky, this day proposed in Senate some amendments to the constitution. They were barely read just as we were adjourning, and not a word of explanation given. As far as I caught them in my ear, they went only to modifications of the elections of President and Vice-President, by authorizing voters to add the office for which they name each, and giving to the Senate the decision of a disputed election of President, and to the Representatives that of Vice-President. But I am apprehensive I caught the thing imperfectly, and probably incorrectly. Perhaps this occasin may be taken of proposing again the Virginia amendments, as also to condemn elections by the legislatures, themselves to transfer the power of trying impeachments from the Senate to some better constituted court, &c. &c.

Good tobacco here is thirteen dollars, flour eight dollars and fifty cents, wheat one dollar and fifty cents, but dull, because only the millers buy. The river, however, is nearly open, and the merchants will now come to market and give a spur to the price. But the competition will not be what it has been. Bankruptcies thicken, and the height of them has by no means yet come on. It is thought this winter will be very trying.

Friendly salutations to Mrs. Madison. Adieu affectionately.

TH : JEFFERSON.

January 28. I enclose Marshall's propositions. They have been this day postponed to the 1st of June, chiefly by the vote of the anti-republicans, under the acknowledged fear that other amendments would be also proposed, and that this is not the time for agitating the public mind. T. J.

LETTER CCXXI.

TO JAMES MADISON.

Philadelphia, February 8, 1798.

DEAR SIR,

I wrote you last on the 25th ultimo; since which yours of the 21st has been received. Bache had put five hundred copies of Monroe's book on board a vessel, which was stopped by the early and unexpected freezing of the river. He tried in vain to get them carried by fifties at a time, by the stage. The river is now open here, the vessels are falling down, and if they can get through the ice below, the one with Bache's packet will soon be at Richmond. It is surmised here that Scipio is written by C. Lee. Articles of impeachment were yesterday given in against Blount. But many great preliminary questions will arise. Must not a *formal law* settle the oath of the Senators, form of pleadings, process against person or goods, &c. May he not appear by attorney? Must he not be tried by a jury? Is a Senator impeachable? Is an ex-Senator impeachable? You will readily conceive that these questions, to be settled by twenty-nine lawyers, are not likely to come to speedy issue. A very disagreeable question of privilege has suspended all other proceedings for some days. You will see this in the newspapers. The question of arming vessels came on, on Monday last; that morning, the President sent in an inflammatory message about a vessel taken and burnt by a French privateer, near Charleston. Of this he had been possessed some time, and it had been through all the newspapers. It seemed to come in now *apropos* for spurring on the disposition to arm. However, the question has not come on. In the mean time the general spirit, even of the merchants, is becoming adverse to it. In New Hampshire and Rhode Island they are unanimously against arming; so in Baltimore. This place is becoming more so. Boston divided and desponding. I know nothing of New York; but I think there is no danger of the question being carried, unless something favorable to it is received from our Envoys. From them we hear nothing. Yet it seems reasonably believed that the executive has heard, and that it is something which would not promote their views of arming. For every action of theirs shows they are panting to come to blows. Giles has arrived.

My friendly salutations to Mrs. Madison. Adieu affectionately.

TH: JEFFERSON.

LETTER CCXXII.

TO JAMES MADISON.

Philadelphia, February 15, 1798.

DEAR SIR,

I wrote you last on the 8th. We have still not a word from our Envoys. This long silence (if they have been silent) proves things are not going on very roughly. If they have not been silent, it proves their information, if made public, would check the disposition to arm. I had flattered myself, from the progress of the public sentiment against arming, that the same progress had taken place in the legislature. But I am assured by those who have better opportunities of forming a good judgment, that if the question against arming is carried at all, it will not be by more than a majority of two: and particularly, that there will not be more than four votes against it from the five eastern states, or five votes at the utmost. You will have perceived that Dayton has gone over completely. He expects to be appointed Secretary of War in the room of M'Henry, who it is said will retire. He has been told, as report goes, that they would not have confidence enough in him to appoint him. The desire of inspiring them with more, seems the only way to account for the eclat which he chooses to give to his conversion. You will have seen the disgusting proceedings in the case of Lyon: if they would have accepted even of a commitment to the serjeant it might have been had. But to get rid of his vote was the most material object. These proceedings must degrade the General Government, and lead the people to lean more on their State governments, which have been sunk under the early popularity of the former. This day the question of the jury in cases of impeachment comes on. There is no doubt how it will go. The general division of the Senate is twenty-two and ten; and under the probable prospect of what it will for ever be, I see nothing in the mode of proceeding by impeachment but the most formidable weapon for the purposes of dominant faction that ever was contrived. It would be the most effectual one of getting rid of any man whom they consider as dangerous to their views, and I do not know that we could count on one third in an emergency. All depends then on the House of Representatives, who are the impeachers; and there the majorities are of one, two, or three only; and these sometimes one way and sometimes another: in a question of pure party they have the majority, and we do not know what circumstances may turn up to increase that majority temporarily, if not permanently. I know of no solid purpose of punishment which the courts of law are not equal to, and history shows, that, in England, impeachment has been an engine more of passion than justice. A great ball is to be given here on the 22nd, and in other great towns of the Union. This is, at least, very indelicate, and probably excites uneasy sensations in some. I see in it, however, this useful deduction, that the birth-days which have been kept, have been, not those of the President, but of the General. I enclose, with the newspapers, the two acts of parliament passed on the subject of our commerce, which are interesting. The merchants here, say, that the effect of the countervailing tonnage on American vessels, will throw them completely out of employ as soon as there is peace. The eastern members say nothing but among themselves. But it is said that it is working like gravel in their stomachs. Our only comfort is, that they have brought it on themselves. My respectful salutations to Mrs. Madison; and to yourself, friendship and adieu.

TH: JEFFERSON.

LETTER CCXXIII.

TO GENERAL GATES.

Philadelphia, February 21, 1798.

Dear General,

I received duly your welcome favor of the 15th, and had an opportunity of immediately delivering the one it enclosed to General Kosciusko. I see him often, and with great pleasure mixed with commiseration. He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all, and not to the few or the rich alone. We are here under great anxiety to hear from our Envoys. * * * * * * * * * * * * * I agree with you that some of our merchants have been milking the cow: yet the great mass of them have become deranged, they are daily falling down by bankruptcies, and on the whole, the condition of our commerce far less firm and really prosperous, than it would have been by the regular operations and steady advances which a state of peace would have occasioned. Were a war to take place, and throw our agriculture into equal convulsions with our commerce, our business would be done at both ends. But this I hope will not be. The good news from the Natchez has cut off the fear of a breach in that quarter, where a crisis was brought on which has astonished every one. How this mighty duel is to end between Great Britain and France, is a momentous question. The sea which divides them makes it a game of chance; but it is narrow, and all the chances are not on one side. Should they make peace, still our fate is problematical.

The countervailing acts of Great Britain, now laid before Congress, threaten, in the opinion of merchants, the entire loss of our navigation to England. It makes a difference, from the present state of things, of five hundred guineas on a vessel of three hundred and fifty tons. If, as the newspapers have told us, France has renewed her *Arrêt* of 1789, laying a duty of seven livres a hundred on all tobacco brought in foreign bottoms (even our own), and should extend it to rice and other commodities, we are done, as navigators, to that country also. In fact, I apprehend that those two great nations will think it their interest not to permit us to be navigators. France had thought otherwise, and had shown an equal desire to encourage our navigation as her own, while she hoped its weight would at least not be thrown into the scale of her enemies. She sees now that that is not to be relied on, and will probably use her own means, and those of the nations under her influence, to exclude us from the ocean. How far it may lessen our happiness to be rendered merely agricultural, how far that state is more friendly to principles of virtue and liberty, are questions yet to be solved. Kosciusko has been dissappointed by the sudden peace between France and Austria. A ray of hope seemed to gleam on his mind for a moment, that the extension of the revolutionary spirit through Italy and Germany, might so have occupied the remnants of monarchy there, as that his country might have risen again. I sincerely rejoice to find that you preserve your health so well. That you may so go on to the end of the chapter, and that it may be a long one, I sincerely pray. Make my friendly salutations acceptable to Mrs. Gates, and accept yourself assurances of the great and constant esteem and respect of, Dear Sir, your friend and servant,

TH : JEFFERSON.

LETTER CCXXIV.

TO JAMES MADISON.

Philadelphia, February 22, 1798.

DEAR SIR,

Yours of the 12th is received. I wrote you last on the 15th, but the letter getting misplaced, will only go by this post. We still hear nothing from our Envoys. Whether the executive hear, we know not. But if war were to be apprehended, it is impossible our Envoys should not find means of putting us on our guard, or that the executive should hold back their information. No news, therefore, is good news. The countervailing act, which I sent you by the last post, will, confessedly, put American bottoms out of employ in our trade with Great Britain. So say well informed merchants. Indeed, it seems probable, when we consider that hitherto, with the advantage of our foreign tonnage, our vessels could only share with the British, and the countervailing duties will, it is said, make a difference of five hundred guineas to our prejudice on a ship of three hundred and fifty tons. Still the eastern men say nothing. Every appearance and consideration render it probable, that on the restoration of peace, both France and Britain will consider it their interest to exclude us from the ocean, by such peaceable means as are in their power. Should this take place, perhaps it may be thought just and politic to give to our *native capitalists* the monopoly of our internal commerce. This may at once relieve us from the dangers of wars abroad and British thraldom at home. The news from the Natchez, of the delivery of the posts, which you will see in the papers, is to be relied on. We have escaped a dangerous crisis there. The great contest between Israel and Morgan, of which you will see the papers full, is to be decided this day. It is snowing fast at this time, and the most sloppy walking I ever saw. This will be to the disadvantage of the party which has the most invalids. Whether the event will be known this evening, I am uncertain. I rather presume not, and, therefore, that you will not learn it till next post.

You will see in the papers, the ground on which the introduction of the jury into the trial by impeachment was advocated by Mr. Tazewell, and the fate of the question. Reader's motion, which I enclosed you, will probably be amended and established, so as to declare a Senator unimpeachable, absolutely; and yesterday an opinion was declared, that not only officers of the State governments, but every private citizen of the United States, are impeachable. Whether they will think this the time to make the declaration, I know not; but if they bring it on, I think there will be not more than two votes north of the Potomac against the universality of the impeaching power. The system of the Senate may be inferred from their transactions heretofore, and from the following declaration made to me personally by their oracle.* 'No republic can ever be of any duration without a Senate, and a Senate deeply and strongly rooted, strong enough to bear up against all popular storms and passions. The only fault in the constitution of our Senate is, that their term of office is not durable enough. Hitherto they have done well, but probably they will be forced to give way in time.' I suppose their having done well hitherto, alluded to the stand they made on the British treaty. This declaration may be considered as their text: that they consider themselves as the bulwarks of the government, and will be rendering that the more secure, in proportion as they can assume greater powers. The foreign intercourse bill is set for to-day: but the parties are so equal on that in the House of Representatives, that they seem mutually to fear the encounter.

My friendly salutations to Mrs. Madison and the family. To yourself, friendly adieus.

TH: JEFFERSON.

[* Here, in the margin of the copy filed, is written by the author, in pencil, 'Mr. Adams.']

LETTER CCXXV.

TO JAMES MADISON.

Philadelphia, March 2, 1798.

DEAR SIR,

I wrote to you last on the 22nd ultimo; since which I have received yours without date, but probably of April the 18th or 19th. An arrival to the eastward brings us some news, which you will see detailed in the papers. The new partition of Europe is sketched, but how far authentic we know not. It has some probability in its favor. The French appear busy in their preparations for the invasion of England; nor is there any appearance of movements on the part of Russia and Prussia which might divert them from it.

The late birth-night has certainly sown tares among the exclusive federalists. It has winnowed the grain from the chaff. The sincerely Adamites did not go. The Washingtonians went religiously, and took the secession of the others in high dudgeon. The one sect threatens to desert the levees, the other the parties. The whigs went in number, to encourage the idea that the birth-nights hitherto kept had been for the General and not the President, and of course that time would bring an end to them. Goodhue, Tracy, Sedgwick, &c. did not attend; but the three Secretaries and Attorney General did.

We were surprised, the last week, with a symptom of a disposition to repeal the stamp act. Petitions for that purpose had come from Rhode Island and Virginia, and had been committed to rest with the Ways and Means. Mr. Harper, the chairman, in order to enter on the law for amending it, observed it would be necessary first to put the petitions for repeal out of the way, and moved an immediate decision on this. The Rhode-Islanders begged and prayed for a postponement; that not knowing that this was the next question to be called up, they were not at all prepared: but Harper would show no mercy; not a moment's delay would be allowed. It was taken up, and, on question without debate, determined in favor of the petitions by a majority of ten. Astonished and confounded, when an order to bring in a bill for revisal was named, they began in turn to beg for time; two weeks, one week, three days, one day; not a moment would be yielded. They made three attempts for adjournment. But the majority appeared to grow. It was decided, by a majority of sixteen, that the bill should be brought in. It was brought in the next day, and on the day after passed and was sent up to the Senate, who instantly sent it back rejected by a vote of fifteen to twelve. Rhode Island and New Hampshire voted for the repeal in Senate. The act will therefore go into operation July the 1st, but probably without amendments. However, I am persuaded it will be short-lived. It has already excited great commotion in Vermont, and grumblings in Connecticut. But they are so priest-ridden, that nothing is to be expected from them, but the most bigoted passive obedience.

No news yet from our commissioners; but their silence is admitted to augur peace. There is no talk yet of the time of adjourning, though it is admitted we have nothing to do, but what could be done in a fortnight or three weeks. When the spring opens, and we hear from our commissioners, we shall probably draw pretty rapidly to a conclusion. A friend of mine here wishes to get a copy of Mazzei's 'Recherches Historiques et Politiques.' Where are they?

Salutations and adieu.

TH: JEFFERSON.

LETTER CCXXVI.

TO JAMES MADISON.

Philadelphia, March 15, 1798.

DEAR SIR,

I wrote you last on the 2nd instant. Yours of the 4th is now at hand. The public papers will give you the news of Europe. The French decree making the vessel friendly or enemy, according to the hands by which the cargo was manufactured, has produced a great sensation among the merchants here. Its operation is not yet perhaps well understood; but probably it will put our shipping out of competition, because British bottoms, which can come under convoy, will alone be trusted with return cargoes. Ours, losing this benefit, would need a higher freight out, in which, therefore, they will be underbid by the British. They must then retire from the competition. Some no doubt will try other channels of commerce, and return cargoes from other countries. This effect would be salutary. A very well informed merchant, too, (a Scotchman, entirely in the English trade) told me, he thought it would have another good effect, by checking and withdrawing our extensive commerce and navigation (the fruit of our natural position) within those bounds to which peace must necessarily bring them. That this being done by degrees, will probably prevent those numerous failures produced generally by a peace coming on suddenly. Notwithstanding this decree, the sentiments of the merchants become more and more cooled and settled down against arming. Yet it is believed the Representatives do not cool; and though we think the question against arming will be carried, yet probably by a majority of only four or five. Their plan is to have convoys furnished for our vessels going to Europe, and smaller vessels for the coasting defence. On this condition, they will agree to fortify southern harbors and build some galleys. It has been concluded among them, that if war takes place, Wolcott is to be retained in office, that the President must give up M'Henry, and as to Pickering they are divided, the eastern men being determined to retain him, their middle and southern brethren wishing to get rid of him. They have talked of General Pinckney as successor to M'Henry. This information is certain. However, I hope we shall avoid war, and save them the trouble of a change of ministry. The President has nominated John Quincy Adams Commissioner Plenipotentiary to renew the treaty with Sweden. Tazewell made a great stand against it, on the general ground that we should let our treaties drop, and remain without any. He could only get eight votes against twenty. A trial will be made today in another form, which he thinks will give ten or eleven against sixteen or seventeen, declaring the renewal inexpedient. In this case, notwithstanding the nomination has been confirmed, it is supposed the President would perhaps not act under it, on the probability that more than the third would be against the ratification. I believe, however, that he would act, and that a third could not be got to oppose the ratification. It is acknowledged we have nothing to do but to decide the question about arming. Yet not a word is said about adjourning; and some even talk of continuing the session permanently; others talk of July and August. An effort, however, will soon be made for an early adjournment.

My friendly salutations to Mrs. Madison; to yourself an affectionate adieu.

TH: JEFFERSON.

LETTER CCXXVII.

TO JAMES MADISON.

Philadelphia, March 21, 1798.

Dear Sir,

I wrote you last on the 15th; since that, yours of the 12th has been received. Since that, too, a great change has taken place in the appearance of our political atmosphere. The merchants, as before, continue, a respectable part of them, to wish to avoid arming. The French decree operated on them as a sedative, producing more alarm than resentment: on the Representatives, differently. It excited indignation highly in the war party, though I do not know that it had added any new friends to that side of the question. We still hoped a majority of about four: but the insane message which you will see in the public papers has had great effect. Exultation on the one side, and a certainty of victory; while the other is petrified with astonishment. Our Evans, though his soul is wrapt up in the sentiments of this message, yet afraid to give a vote openly for it, is going off to-morrow, as is said. Those who count, say there are still two members of the other side who will come over to that of peace. If so, the members will be for war measures, fifty-two, against them fifty-three; if all are present except Evans. The question is, what is to be attempted, supposing we have a majority? I suggest two things: 1. As the President declares he has withdrawn the executive prohibition to arm, that Congress should pass a legislative one. If that should fail in the Senate, it would heap coals of fire on their heads. 2. As, to do nothing and to gain time is everything with us, I propose, that they shall come to a resolution of adjournment, 'in order to go home and consult their constituents on the great crisis of American affairs now existing.' Besides gaining time enough by this, to allow the descent on England to have its effect here as well as there, it will be a means of exciting the whole body of the people from the state of inattention in which they are; it will require every member to call for the sense of his district by petition or instruction; it will show the people with which side of the House their safety as well as their rights rest, by showing them which is for war and which for peace; and their representatives will return here invigorated by the avowed support of the American people. I do not know, however, whether this will be approved, as there has been little consultation on the subject. We see a new instance of the inefficiency of constitutional guards.

We had relied with great security on that provision, which requires two thirds of the legislature to declare war. But this is completely eluded by a majority's taking such measures as will be sure to produce war. I wrote you in my last, that an attempt was to be made on that day in Senate, to declare the inexpediency of renewing our treaties. But the measure is put off under the hope of its being attempted under better auspices. To return to the subject of war, it is quite impossible, when we consider all the existing circumstances, to find any reason in its favor resulting from views either of interest or honor, and plausible enough to impose even on the weakest mind; and especially, when it would be undertaken by a majority of one or two only. Whatever then be our stock of charity or liberality, we must resort to other views. And those so well known to have been entertained at Annapolis, and afterwards at the grand convention, by a particular set of men, present themselves as those alone which can account for so extraordinary a degree of impetuosity. Perhaps, instead of what was then in contemplation, a separation of the Union, which has been so much the topic to the eastward of late, may be the thing aimed at. I have written so far, two days before the departure of the post. Should any thing more occur to-day or to-morrow, it shall be added. Adieu affectionately.

TH: JEFFERSON.

LETTER CCXXVIII.

TO JAMES MADISON.

Philadelphia, March 29, 1798.

DEAR SIR,

I wrote you last on the 21st. Yours of the 12th, therein acknowledged, is the last received. The measure I suggested in mine, of adjourning for consultation with their constituents, was not brought forward; but on Tuesday three resolutions were moved, which you will see in the public papers. They were offered in committee to prevent their being suppressed by the previous question, and in the committee on the state of the Union, to put it out of their power, by the rising of the committee and not sitting again, to get rid of them. They were taken by surprise, not expecting to be called to vote on such a proposition as 'that it is inexpedient to resort to war against the French republic.' After spending the first day in seeking on every side some hole to get out at, like an animal first put into a cage, they gave up their resource. Yesterday they came forward boldly, and openly combated the proposition. Mr. Harper and Mr. Pinckney pronounced bitter philippics against France, selecting such circumstances and aggravations as to give the worst picture they could present. The latter, on this, as in the affair of Lyon and Griswold, went far beyond that moderation he has on other occasions recommended. We know not how it will go. Some think the resolution will be lost, some, that it will be carried ; but neither way, by a majority of more than one or two. The decision of the Executive, of two thirds of the Senate, and half the House of Representatives, is too much for the other half of that House. We therefore fear it will be borne down, and are under the most gloomy apprehensions. In fact, the question of war and peace depends now on a toss of cross and pile. If we could but gain this season, we should be saved. The affairs of Europe would of themselves save us. Besides this, there can be no doubt that a revolution of opinion in Massachusetts and Connecticut is working. Two whig presses have been set up in each of those States. There has been for some days a rumor, that a treaty of alliance, offensive and defensive with Great Britain, has arrived. Some circumstances have occasioned it to be listened to ; to wit, the arrival of Mr. King's secretary, which is affirmed, the departure of Mr. Liston's secretary, which I know is to take place on Wednesday next, the high tone of the executive measures at the last and present session, calculated to raise things to the unison of such a compact, and supported so desperately in both Houses in opposition to the pacific wishes of the people, and at the risk of their approbation at the ensuing election. Langdon yesterday, in debate, mentioned this current report. Tracy, in reply, declared he knew of no such thing, did not believe it, nor would be its advocate.

An attempt has been made to get the Quakers to come forward with a petition, to aid with the weight of their body the feeble band of peace. They have, with some effort, got a petition signed by a few of their soceity ; the main body of their society refuse it. M'Lay's peace motion in the Assembly of Pennsylvania was rejected with an unanimity of the Quaker vote, and it seems to be well understood, that their attachment to England is stronger than to their principles or their country. The revolution war was a first proof of this. Mr. White, from the federal city, is here, soliciting money for the buildings at Washington. A bill for two hundred thousand dollars has passed the House of Representatives, and is before the Senate, where its fate is entirely uncertain. He has become perfectly satisfied that Mr. Adams is radically against the government's being there. Goodhue (his oracle) openly said in committee, in presence of White, that he knew the government was obliged to go there, but they would not be obliged to stay there. Mr. Adams said to White, that it would be better that the President should rent a common house there, to live in; that no President would live in the one now building. This harmonizes with Goodhue's idea of a short residence. I wrote this in the morning, but need not part with it till night. If any thing occurs in the day, it shall be added. Adieu.

TH: JEFFERSON.

LETTER CCXXIX.

TO JAMES MADISON.

Philadelphia, April 5, 1798.

DEAR SIR,

I wrote you last on the 29th ultimo; since which I have no letter from you. These acknowledgments regularly made and attended to will show whether any of my letters are intercepted, and the impression of my seal on wax (which shall be constant hereafter) will discover whether they are opened by the way. The nature of some of my communications furnishes ground of inquietude for their safe conveyance. The bill for the federal buildings labors hard in Senate, though, to lessen opposition, the Maryland Senator himself proposed to reduce the two hundred thousand dollars to one third of that sum. Sedgwick and Hillhouse violently oppose it. I conjecture that the votes will be either thirteen for and fifteen against it, or fourteen and fourteen. Every member declares he means to go there, but though charged with an intention to come away again, not one of them disavow it. This will engender incurable distrust. The debate on Mr. Sprigg's resolutions has been interrupted by a motion to call for papers. This was carried by a great majority. In this case, there appeared a separate squad, to wit, the Pinckney interest, which is a distinct thing, and will be seen sometimes to lurch the President. It is in truth the Hamilton party, whereof Pinckney is only made the stalking-horse. The papers have been sent in and read, and it is now under debate in both Houses, whether they shall be published. I write in the morning, and if determined in the course of the day in favor of publication, I will add in the evening a general idea of their character. Private letters from

France, by a late vessel which sailed from Havre, February the 5th, assure us that France, classing us in her measures with the Swedes and Danes, has no more notion of declaring war against us than them. You will see a letter in Bache's paper of yesterday, which came addressed to me. Still the fate of Sprigg's resolutions seems in perfect *equilibrio.* You will see in Fenno, two numbers of a paper signed Marcellus. They promise much mischief, and are ascribed, without any difference of opinion, to Hamilton. You must, my dear Sir, take up your pen against this champion. You know the ingenuity of his talents; and there is not a person but yourself who can foil him. For Heaven's sake, then, take up your pen, and do not desert the public cause altogether.

Thursday evening. The Senate have, to-day, voted the publication of the communications from our Envoys. The House of Representatives decided against the publication by a majority of seventy-five to twenty-four. The Senate adjourned, over to-morrow (good Friday), to Saturday morning: but as the papers cannot be printed within that time, perhaps the vote of the House of Representatives may induce the Senate to reconsider theirs. For this reason, I think it my duty to be silent on them. Adieu.

TH : JEFFERSON.

LETTER CCXXX.

TO JAMES MADISON.

Philadelphia, April 6, 1798.

DEAR SIR,

So much of the communications from our Envoys has got abroad, and so partially, that there can now be no ground for reconsideration with the Senate. I may therefore, consistently with duty do what every member of the body is doing. Still, I would rather you would use the communication with reserve till you see the whole papers. The first impressions from them are very disagreeable and confused. Reflection, however, and analysis resolve them into this. Mr. Adams's speech to Congress in May is deemed such a national affront, that no explanation on other topics can be entered on till that, as a preliminary, is wiped away by humiliating disavowals or acknowledgments. This working hard with our Envoys, and indeed seeming impracticable for want of that sort of authority, submission to a heavy amercement (upwards of a million sterling) was, at an after meeting, suggested as an alternative, which might be admitted if proposed by us. These overtures had been through informal agents; and both the alternatives bringing the Envoys to their *ne plus*, they resolve to have no more communication through inofficial characters, but to address a letter directly to the government, to bring forward their pretensions. This letter had not yet, however, been prepared. There were interwoven with these overtures some base propositions on the part of Talleyrand, through one of his agents, to sell his interest and influence with the Directory towards soothing difficulties with them, in consideration of a large sum (fifty thousand pounds sterling); and the arguments to which his agent resorted to induce compliance with this demand were very unworthy of a great nation (could they be imputed to them), and calculated to excite disgust and indignation in Americans generally, and alienation in the republicans particularly, whom they so far mistake, as to presume an attachment to France and hatred to the federal party, and not the love of their country, to be their first passion. No difficulty was expressed towards an adjustment of all differences and misunderstandings, or even ultimately a payment for spoliations, if the insult from our executive should be first wiped away. Observe, that I state all this from only a single hearing of the papers, and therefore it may not be rigorously correct. The little slanderous imputation before mentioned, has been the bait which hurried the opposite party into this publication. The first impressions with the people will be disagreeable, but the last and permanent one will be, that the speech in May is now the only obstacle to accommodation, and the real cause of war, if war takes place. And how much will be added to this by the speech of November, is yet to be learned. It is evident however, on reflection, that these papers do not offer one motive the more for our going to war. Yet such is their effect on the minds of wavering characters, that I fear, that, to wipe off the imputation of being French partisans, they will go over to the war measures so furiously pushed by the other party. It seems, indeed, as if they were afraid they should not be able to get into war till Great Britain shall be blown up, and the prudence of our countrymen from that circumstance, have influence enough to prevent it. The most artful misrepresentations of the contents of these papers were published yesterday, and produced such a shock in the republican mind, as had never been seen since our independence. We are to dread the effects of this dismay till their fuller information. Adieu.

TH: JEFFERSON.

LETTER CCXXXI.

TO JAMES MADISON.

Philadelphia, April 12, 1798.

Dear Sir,

I wrote you two letters on the 5th and 6th instant; since which I have received yours of the 2nd. I send you, in a separate package, the instructions to our Envoys and their communications. You will find that my representation of their contents from memory, was substantially just. The public mind appears still in a state of astonishment. There never was a moment in which the aid of an able pen was so important to place things in their just attitude. On this depend the inchoate movement in the eastern mind, and the fate of the elections in that quarter, now beginning and to continue through the summer. I would not propose to you such a task on any ordinary occasion. But be assured that a well digested analysis of these papers would now decide the future turn of things, which are at this moment on the careen. The merchants here are meeting under the auspices of Fitzsimmons, to address the President and approve his propositions. Nothing will be spared on that side. Sprigg's first resolution against the expediency of war, proper at the time it was moved, is now postponed as improper, because to declare that, after we have understood it has been proposed to us to try peace, would imply an acquiescence under that proposition. All, therefore, which the advocates of peace can now attempt, is to prevent war measures *externally*, consenting to every rational measure of *internal* defence and preparation. Great expenses will be incurred; and it will be left to those whose measures render them necessary, to provide to meet them. They already talk of stopping all payments of interest, and of a land-tax. These will probably not be opposed. The only question will be, how to modify the land-tax. On this there may be a great diversity of sentiment. One party will want to make it a new source of patronage and expense. If this business is taken up, it will lengthen our session. We had pretty generally, till now, fixed on the beginning of May for adjournment. I shall return by my usual routes, and not by the Eastern-shore, on account of the advance of the season. Friendly salutations to Mrs. Madison and yourself. Adieu.

Th: Jefferson.

LETTER CCXXXII.

TO JAMES MADISON.

Philadelphia, April 26, 1798.

Dear Sir,

* * * * * *

The bill for the naval armament (twelve vessels) passed by a majority of about four to three in the House of Representatives: all restrictions on the objects for which the vessels should be used were struck out. The bill for establishing a department of Secretary of the Navy was tried yesterday, on its passage to the third reading, and prevailed by forty-seven against forty-one. It will be read the third time to-day. The provisional army of twenty thousand men will meet some difficulty. It would surely be rejected if our members were all here. Giles, Clopton, Cabell, and Nicholas have gone, and Clay goes to-morrow. He received here news of the death of his wife. Parker has completely gone over to the war-party. In this state of things they will carry what they please. One of the war-party, in a fit of unguarded passion, declared some time ago they would pass a citizen-bill, an alien-bill, and a sedition-bill: accordingly, some days ago, Coit laid a motion on the table of the House of Representatives for modifying the citizen-law. Their threats pointed at Gallatin, and it is believed they will endeavor to reach him by this bill. Yesterday Mr. Hillhouse laid on the table of the Senate a motion for giving power to send away suspected aliens. This is understood to be meant for Volney and Collot. But it will not stop there when it gets into a course of execution. There is now only wanting, to accomplish the whole declaration before mentioned, a sedition-bill, which we shall certainly soon see proposed. The object of that, is the suppression of the whig presses. Bache's has been particularly named. That paper and also Carey's totter for want of subscriptions. We should really exert ourselves to procure them, for if these papers fall, republicanism will be entirely brow-beaten. Carey's paper comes out three times a week, at five dollars. The meeting of the people which was called at New York, did nothing. It was found that the majority would be against the address. They therefore chose to circulate it individually. The committee of Ways and Means have voted a land-tax. An additional tax on salt will certainly be proposed in the House, and probably prevail to some degree. The stoppage of interest on the public debt will also, perhaps, be proposed, but not with effect. In the mean time, that paper cannot be sold. Hamilton is coming on as Senator from New York. There have been so much contrivance and combination in that, as to show there is some great object in hand. Troup, the district judge of New York, resigns towards the close of the session of their Assembly. The appointment of Mr. Hobart, then Senator, to succeed Troup, is not made by the President till after the Assembly had risen. Otherwise, they would have chosen the Senator in place of Hobart. Jay then names Hamilton Senator, but not till a day or two before his own election as Governor was to come on, lest the unpopularity of the nomination should be in time to affect his own election. We shall see in what all this is to end; but surely in something. The popular movement in the Eastern States is checked, as we expected, and war addresses are showering in from New Jersey and the great trading towns. However, we still trust that a nearer view of war and a land-tax will oblige the great mass of the people to attend. At present, the war-hawks talk of septembrizing, deportation, and the examples for quelling sedition set by the French executive. All the firmness of the human mind is now in a state of requisition.

Salutations to Mrs. Madison; and to yourself, friendship and adieu.

TH: JEFFERSON.

LETTER CCXXXIII.

TO JAMES MADISON.

Philadelphia, May 3, 1798.

DEAR SIR,

I wrote you last on the 26th; since which yours of the 22nd of April has been received, acknowledging mine of the 12th; so that all appear to have been received to that date. The spirit kindled up in the towns is wonderful. These and New Jersey are pouring in their addresses, offering life and fortune. Even these addresses are not the worst things. For indiscreet declarations and expressions of passion may be pardoned to a multitude acting from the impulse of the moment. But we cannot expect a foreign nation to show that apathy to the answers of the President, which are more thrasonic than the addresses. Whatever chance for peace might have been left us after the publication of the despatches, is completely lost by these answers. Nor is it France alone, but his own fellow-citizens, against whom his threats are uttered. In

Fenno, of yesterday, you will see one, wherein he says to the address from Newark, 'The delusions and misrepresentations which have misled so many citizens, must be discountenanced by authority as well as by the citizens at large'; evidently alluding to those letters from the Representatives to their constituents, which they have been in the habit of seeking after and publishing: while those sent by the tory part of the House to their constituents, are ten times more numerous, and replete with the most atrocious falsehoods and calumnies. What new law they will propose on this subject, has not yet leaked out. The citizen-bill sleeps. The alien-bill, proposed by the Senate, has not yet been brought in. That proposed by the House of Representatives has been so moderated, that it will not answer the passionate purposes of the war gentlemen. Whether, therefore, the Senate will push their bolder plan, I know not. The provisional army does not go down so smoothly in the House as it did in the Senate. They are whittling away some of its choice ingredients; particularly that of transferring their own constitutional discretion over the raising of armies to the President. A committee of the Representatives have struck out his discretion, and hang the raising of the men on the contingencies of invasion, insurrection, or declaration of war. Were all our members here, the bill would not pass. But it will, probably, as the House now is. Its expense is differently estimated, from five to eight millions of dollars a year. Their purposes before voted, require two millions above all the other taxes, which, therefore, are voted to be raised on lands, houses, and slaves. The provisional army will be additional to this. The threatening appearances from the alien-bills have so alarmed the French who are among us, that they are going off. A ship, chartered by themselves for this purpose, will sail within about a fortnight for France, with as many as she can carry. Among these I believe will be Volney, who has in truth been the principal object aimed at by the law.

Notwithstanding the unfavorableness of the late impressions, it is believed the New York elections, which are over, will give us two or three republicans more than we now have. But it is supposed Jay is re-elected. It is said Hamilton declines coming to the Senate. He very soon stopped his Marcellus. It was rather the sequel which was feared than what actually appeared. He comes out on a different plan in his Titus Manlius, if that be really his. The appointments to the Mississippi were so abominable that the Senate could not swallow them. They referred them to a committee to inquire into characters, and the President withdrew the nomination. * * * * * * *

As there is nothing material now to be proposed, we generally expect to rise in about three weeks. However, I do not venture to order my horses.

My respectful salutations to Mrs. Madison. To yourself affectionate friendship, and adieu.

TH: JEFFERSON.

P. S. Perhaps the President's expression before quoted, may look to the sedition-bill which has been spoken of, and which may be meant to put the printing-presses under the *imprimatur* of the executive. Bache is thought a main object of it. Cabot, of Massachusetts, is appointed Secretary of the Navy. T. J.

LETTER CCXXXIV.

TO JAMES LEWIS, JUNIOR.

Philadelphia, May 9, 1798.

DEAR SIR,

I am much obliged by your friendly letter of the 4th instant. As soon as I saw the first of Mr. Martin's letters, I turned to the newspapers of the day, and found Logan's speech, as translated by a common Indian interpreter. The version I had used, had been made by General Gibson. Finding from Mr. Martin's style, that his object was not merely truth, but to gratify party passions, I never read another of his letters. I determined to do my duty by searching into the truth, and publishing it to the world, whatever it should be. This I shall do at a proper season. I am much indebted to many persons, who, without any acquaintance with me, have voluntarily sent me information on the subject. Party passions are indeed high. Nobody has more reason to know it than myself. I receive daily bitter proofs of it from people who never saw me, nor know any thing of me but through Porcupine and Fenno. At this moment all the passions are boiling over, and one who keeps himself cool and clear of the contagion, is so far below the point of ordinary conversation, that he finds himself insulated in every society. However, the fever will not last. War, land-tax, and stamp-tax are sedatives which must cool its ardor. They will bring on reflection, and that, with information, is all which our countrymen need, to bring themselves and their affairs to rights. They are essentially republicans. They retain unadulterated the principles of '75, and those who are conscious of no change in themselves have nothing to fear in the long run. It is our duty still to endeavor to avoid war: but if it shall actually take place, no matter by whom brought on, we must defend ourselves. If our house be on fire, without inquiring whether it was fired from within or without, we must try to extinguish it. In that, I have no doubt, we shall act as one man. But if we can ward off actual war till the crisis of England is over, I shall hope we may escape it altogether.

I am, with much esteem, Dear Sir, your most obedient, humble servant,
TH: JEFFERSON.

LETTER CCXXXV.

TO JAMES MADISON.

Philadelphia, May 31, 1798.

DEAR SIR,

I wrote you last on the 24th; since which yours of the 20th has been received. I must begin by correcting two errors in my last. It was false arithmetic to say, that two measures therein mentioned to have been carried by majorities of eleven, would have failed if the fourteen absentees (wherein a majority of six is ours) had been present. Six coming over from the other side would have turned the scale, and this was the idea floating in my mind, which produced the mistake. The second error was in the version of Mr. Adams's expression, which I stated to you. His real expression was, 'that he would not unbrace a single nerve for any treaty France could offer; such was their entire want of faith, morality, &c.'

The bill from the Senate for capturing French armed vessels found hovering on our coast, was passed in two days by the lower House, without a single alteration; and the Ganges, a twenty-gun sloop, fell down the river instantly to go on a cruise. She has since been ordered to New York, to convoy a vessel from that to this port. The alien-bill will be ready to-day, probably, for its third reading in the Senate. It has been considerably mollified, particularly by a proviso saving the rights of treaties. Still, it is a most detestable thing. I was glad, in yesterday's discussion, to hear it admitted on all hands, that laws of the United States, subsequent to a treaty, control its operation, and that the legislature is the only power which can control a treaty. Both points are sound beyond doubt. This bill will unquestionably pass the

House of Representatives; the majority there being very decisive, consolidated, and bold enough to do any thing. I have no doubt from the hints dropped, they will pass a bill to declare the French treaty void. I question if they will think a declaration of war prudent, as it might alarm, and all its effects are answered by the act authorizing captures. A bill is brought in for suspending all communication with the dominions of France, which will no doubt pass. It is suspected they mean to borrow money of individuals in London, on the credit of our land-tax, and perhaps the guarantee of Great Britain. The land-tax was yesterday debated, and a majority of six struck out the thirteenth section of the classification of houses, and taxed them by a different scale from the lands. Instead of this, is to be proposed a valuation of the houses and lands together. Macon yesterday laid a motion on the table for adjourning on the 14th. Some think they do not mean to adjourn; others, that they wait first the return of the Envoys, for whom it is now avowed the brig Sophia was sent. It is expected she would bring them off about the middle of this month. They may, therefore, be expected here about the second week of July. Whatever be their decision as to adjournment, I think it probable my next letter will convey orders for my horses, and that I shall leave this place from the 20th to the 25th of June: for I have no expectation they will actually adjourn sooner. Volney and a ship-load of others sail on Sunday next. Another ship-load will go off in about three weeks. It is natural to expect they go under irritations calculated to fan the flame. Not so Volney. He is most thoroughly impressed with the importance of preventing war, whether considered with reference to the interests of the two countries, of the cause of republicanism, or of man on the broad scale. But an eagerness to render this prevention impossible, leaves me without any hope. Some of those who have insisted that it was long since war on the part of France, are candid enough to admit that it is now begun on our part also. I enclose for your perusal a poem on the alien-bill, written by Mr. Marshall. I do this, as well for your amusement, as to get you to take care of this copy for me till I return; for it will be lost by lending it, if I retain it here, as the publication was suppressed after the sale of a few copies, of which I was fortunate enough to get one. Your locks hinges, &c. shall be immediately attended to.

My respectful salutations and friendship to Mrs. Madison, to the family, and to yourself. Adieu.

TH: JEFFERSON.

P. S. The President, it is said, has refused an *Exequatur* to the Consul General of France, Dupont. T. J.

LETTER CCXXXVI.

THOMAS JEFFERSON TO JOHN TAYLOR.

Philadelphia, June 1, 1798.

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Mr. New showed me your letter on the subject of the patent, which gave me an opportunity of observing what you said as to the effect, with you, of public proceedings, and that it was not unwise now to estimate the separate mass of Virginia and North Carolina, with a view to their separate existence. It is true that we are completely under the saddle of Massachusetts and Connecticut, and that they ride us very hard, cruelly insulting our feelings, as well as exhausting our strength and subsistence. Their natural friends, the three other eastern States, join them from a sort of family pride, and they have the art to divide certain other parts of the Union so as to make use of them to govern the whole. This is not new, it is the old practice of despots; to use a part of the people to keep the rest in order. And those who have once got an ascendency, and possessed themselves of all the resources of the nation, their revenues and offices, have immense means for retaining their advantage. But our present situation is not a natural one. The republicans, through every part of the Union, say, that it was the irresistible influence and popularity of General Washington played off by the cunning of Hamilton, which turned the government over to anti-republican hands, or turned the republicans chosen by the people into anti-republicans. He delivered it over to his successor in this state, and very untoward events since, improved with great artifice, have produced on the public mind the impressions we see. But still I repeat it, this is not the natural state. Time alone would bring round an order of things more correspondent to the sentiments of our constituents. But are there no events impending, which will do it within a few months? The crisis with England, the public and authentic avowal of sentiments hostile to the leading principles of our constitution, the prospect of a war, in which we shall stand alone, land-tax, stamp-tax, increase of public debt, &c. Be this as it may, in every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to induce each to watch and delate to the people the proceedings of the other. But if on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States alone cut off, will our natures be changed? Are we not men still to the south of that, and with all the passions of men? Immediately, we shall see a Pennsylvania and a Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party-spirit. What a game too will the one party have in their hands, by eternally threatening the other, that unless they do so and so, they will join their northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units. Seeing, therefore, that an association of men who will not quarrel with one another is a thing which never yet existed, from the greatest confederacy of nations down to a town-meeting or a vestry; seeing that we must have somebody to quarrel with, I had rather keep our New England associates for that purpose, than to see our bickerings transferred to others. They are circumscribed within such narrow limits, and their population so full, that their numbers will ever be the minority, and they are marked, like the Jews, with such a perversity of character, as to constitute, from that circumstance, the natural division of our parties. A little patience, and we shall see the reign of witches pass over, their spells dissolved, and the people recovering their true sight, restoring their government to its true principles. It is true, that in the mean time, we are suffering deeply in spirit, and incurring the horrors of a war, and long oppressions of enormous public debt. But who can say what would be the evils of a scission, and when and where they would end? Better keep together as we are, haul off from Europe as soon as we can, and from all attachments to any portions of it; and if they show their powers just sufficiently to hoop us together, it will be the happiest situation in which we can exist. If the game runs sometimes against us at home, we must have patience till luck turns, and then we shall have an opportunity of winning back the *principles* we have lost. For this is a game where principles are the stake. Better luck, therefore, to us all, and health, happiness, and friendly salutations to yourself. Adieu.

P. S. It is hardly necessary to caution you to let nothing of mine get before the public; a single sentence got hold of by the Porcupines, will suffice to abuse and persecute me in their papers for months. T. J.

LETTER CCXXXVII.

TO GENERAL KOSCIUSKO.

Philadelphia, June 1, 1798.

Dear Sir,

Mr. Volney's departure for France gives me an opportunity of writing to you. I was happy in observing, for many days after your departure, that our winds were favorable for you. I hope, therefore, you quickly passed the cruising grounds on our coast, and have safely arrived at the term of your journey. Your departure is not yet known, or even suspected.* Niemsevioz was much affected. He is now at the federal city. He desired me to have some things taken care of for you. There were some kitchen furniture, backgammon table, and chess men, and a pelisse of fine fur. The latter I have taken to my own appartment and had packed in hops, and sewed up; the former are put into a warehouse of Mr. Barnes; all subject to your future orders. Some letters came for you soon after your departure: the person who delivered them said there were enclosed in them some for your friend whom you left here, and desired I would open them. I did so in his presence, found only one letter for your friend, took it out and sealed the letters again in the presence of the same person, without reading a word or looking who they were from. I now forward them to you, as I do this to my friend Jacob Van Staphorst at Paris. Our alien-bill struggles hard for a passage. It has been considerably mollified. It is not yet through the Sen-

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[* Shortly before, Mr. Jefferson had obtained passports for General Kosciusko, under an assumed name, from the foreign ministers in this country. The annexed is the note addressed to Mr. Liston, soliciting one from him.

'Thomas Jefferson presents his respects to Mr. Liston, and asks the favor of the passport for his friend Thomas Kanberg, of whom he spoke to him yesterday. He is a native of the north of Europe (perhaps of Germany), has been known to Thomas Jefferson these twenty years in America, is of a most excellent character, stands in no relation whatever to any of the belligerent powers, as to whom Thomas Jefferson is not afraid to be responsible for his political innocence, as he goes merely for his private affairs. He will sail from Baltimore, if he finds there a good opportunity for France; and if not, he will come on here. March 27, 1798.']

ate. We are proceeding further and further in war-measures. I consider that event as almost inevitable. I am extremely anxious to hear from you, to know what sort of a passage you had, how you find yourself and the state and prospect of things in Europe. I hope I shall not be long without hearing from you. The first dividend which will be drawn for you and remitted, will be in January, and as the winter passages are dangerous, it will not be forwarded till April: after that, regularly, from six months to six months. This will be done by Mr. Barnes. I shall leave this place in three weeks. The times do not permit an indulgence in political disquisitions. But they forbid not the effusion of friendship, and not my warmest towards you, which no time will alter. Your principles and dispositions were made to be honored, revered, and loved. True to a single object, the freedom and happiness of man, they have not veered about with the changelings and apostates of our acquaintance. May health and happiness ever attend you. Accept sincere assurances of my affectionate esteem and respect. Adieu.

TH: JEFFERSON.

LETTER CCXXXVIII.

TO JAMES MADISON.

Philadelphia, June 21, 1798.

DEAR SIR,

Yours of the 10th instant is received. I expected mine of the 14th would have been my last from hence, as I had proposed to set out on the 20th; but on the morning of the 19th, we heard of the arrival of Marshall at New York, and I concluded to stay and see whether that circumstance would produce any new projects. No doubt he there received more than hints from Hamilton as to the tone required to be assumed. Yet I apprehend he is not hot enough for his friends. Livingston came with him from New York. Marshall told him they had no idea in France of a war with us. That Talleyrand sent passports to him and Pinckney, but none for Gerry. Upon this, Gerry stayed, without explaining to them the reason. He wrote, however, to the President by Marshall, who knew nothing of the contents of the letter. So that there must have been a previous understanding between Talleyrand and Gerry. Marshall was received here with the utmost eclat. The Secretary of State and many carriages, with all the city cavalry, went to Frankfort to meet him, and on his arrival here in the evening, the bells rung till late in the night, and immense crowds were collected to see and make part of the show, which was circuitously paraded through the streets before he was set down at the City tavern. All this was to secure him to their views, that he might say nothing which would oppose the game they have been playing. Since his arrival I can hear of nothing directly from him, while they are disseminating through the town, things, as from him, diametrically opposite to what he said to Livingston. Doctor Logan, about a fortnight ago, sailed for Hamburgh. Though for a twelvemonth past he had been intending to go to Europe as soon as he could get money enough to carry him there, yet when he had accomplished this, and fixed a time for going, he very unwisely made a mystery of it; so that his disappearance without notice excited conversation. This was seized by the war-hawks, and given out as a secret mission from the Jacobins here to solicit an army from France, instruct them as to their landing, &c. This extravagance produced a real panic among the citizens; and happening just when Bache published Talleyrand's letter, Harper, on the 18th, gravely announced to the House of Representatives, that there existed a traitorous correspondence between the Jacobins here and the French Directory; that he had got hold of some threads and clues of it, and would soon be able to develope the whole. This increased the alarm; their libelists immediately set to work, directly and indirectly to implicate whom they pleased. Porcupine gave me a principal share in it, as I am told, for I never read his papers. This state of things added to my reasons for not departing at the time I intended. These follies seem to have died away in some degree already. Perhaps I may renew my purpose by the 25th. Their system is, professedly, to keep up an alarm. Tracy, at the meeting of the joint committee for adjournment, declared it necessary for Congress to stay together to keep up the inflammation of the public mind; and Otis has expressed a similar sentiment since. However, they will adjourn. The opposers of an adjournment in Senate, yesterday agreed to adjourn on the 10th of July. But I think the 1st of July will be carried. That is one of the objects which detain myself, as well as one or two more of the Senate, who had got leave of absence. I imagine it will be decided tomorrow or next day. To separate Congress now, will be withdrawing the fire from under a boiling pot.

My respectful salutations to Mrs. Madison, and cordial friendship to yourself.

TH: JEFFERSON.

P. M. A message to both Houses this day from the President, with the following communications.

March 23. Pickering's letter to the Envoys, directing them, if they are not actually engaged in negotiation with authorized persons, or if it is not conducted *bonâ fide*, and not merely for procrastination, to break up and come home, and at any rate to consent to no loan.

April 3. Talleyrand to Gerry. He supposes the other two gentlemen, perceiving that their known principles are an obstacle to negotiation, will leave the republic, and proposes to renew the negotiations with Gerry immediately.

April 4. Gerry to Talleyrand. Disclaims a power to conclude any thing separately, can only confer informally and as an unaccredited person or individual, reserving to lay every thing before the government of the United States for approbation.

April 14. Gerry to the President. He communicates the preceding, and hopes the President will send other persons instead of his colleagues and himself, if it shall appear that any thing can be done.

The President's message says, that as the instructions were not to consent to any loan, he considers the negotiation as at an end, and that he will never send another minister to France, until he shall be assured that he will be received and treated with the respect due to a great, powerful, free, and independent nation.

A bill was brought into the Senate this day, to declare the treaties with France void, prefaced by a list of grievances in the style of a manifesto. It passed to the second reading by fourteen to five.

A bill for punishing forgeries of bank-paper passed to the third reading by fourteen to six. Three of the fourteen (Laurence, Bingham, and Read) bank directors.

LETTER CCXXXIX.

TO SAMUEL SMITH.

Monticello, August 22, 1798.

Dear Sir,

Your favor of August the 4th came to hand by our last post, together with the 'extract of a letter from a gentleman of Philadelphia, dated July the 10th,' cut from a newspaper, stating some facts which respect me. I shall notice these facts. The writer says, that 'the day after the last despatches were communicated to

Congress, Bache, Leib, &c., and a Dr. Reynolds, were *closeted* with me.' If the receipt of visits in my public room, the door continuing free to every one who should call at the same time, may be called *closeting*, then it is true that I was *closeted* with every person who visited me; in no other sense is it true as to any person. I sometimes received visits from Mr. Bache and Dr. Leib. I received them always with pleasure, because they are men of abilities, and of principles the most friendly to liberty and our present form of government. Mr. Bache has another claim on my respect, as being the grandson of Dr. Franklin, the greatest man and ornament of the age and country in which he lived. Whether I was visited by Mr. Bache or Dr. Leib the day after the communication referred to, I do not remember. I know that all my motions at Philadelphia, here, and every where, are watched and recorded. Some of these spies, therefore, may remember, better than I do, the dates of these visits. If they say these two gentlemen visited me the day after the communication, as their trade proves their accuracy, I shall not contradict them, though I affirm that I do not recollect it. However, as to Dr. Reynolds, I can be more particular, because I never saw him but once, which was on an introductory visit he was so kind as to pay me. This, I well remember, was before the communication alluded to, and that during the short conversation I had with him, not one word was said on the subject of any of the communications. Not that I should not have spoken freely on their subject to Dr. Reynolds, as I should also have done to the letter-writer, or to any other person who should have introduced the subject. I know my own principles to be pure, and therefore am not ashamed of them. On the contrary, I wish them known, and therefore willingly express them to every one. They are the same I have acted on from the year 1775 to this day, and are the same, I am sure, with those of the great body of the American people. I only wish the real principles of those who censure mine were also known. But warring against those of the people, the delusion of the people is necessary to the dominant party. I see the extent to which that delusion has been already carried, and I see there is no length to which it may not be pushed by a party in possession of the revenues and the legal authorities of the United States, for a short time indeed, but yet long enough to admit much particular mischief. There is no event, therefore, however atrocious, which may not be expected. I have contemplated every event which the Maratists of the day can perpetrate, and am prepared to meet every one in such a way, as shall not be derogatory either to the public liberty or my own personal honor. This letter-writer says, I am 'for peace; but it is only with France.' He has told half the truth. He would have told the whole, if he had added England. I am for peace with both countries. I know that both of them have given, and are daily giving, sufficient cause of war; that in defiance of the laws of nations, they are every day trampling on the rights of the neutral powers, whenever they can thereby do the least injury, either to the other. But, as I view a peace between France and England the ensuing winter to be certain, I have thought it would have been better for us to have continued to bear from France through the present summer, what we have been bearing both from her and England these four years, and still continue to bear from England, and to have required indemnification in the hour of peace, when I verily believe it would have been yielded by both. This seems to be the plan of the other neutral nations; and whether this, or the commencing war on one of them, as we have done, would have been wisest, time and events must decide. But I am quite at a loss on what ground the letter-writer can question the opinion, that France had no intention of making war on us, and was willing to treat with Mr. Gerry, when we have this from Talleyrand's letter, and from the written and verbal information of our Envoys. It is true then, that, as with England, we might of right have chosen either war or peace, and have chosen peace, and prudently in my opinion, so with France, we might also of right have chosen either peace or war, and we have chosen war. Whether the choice may be a popular one in the other States, I know not. Here it certainly is not; and I have no doubt the whole American people will rally ere long to the same sentiment, and re-judge those, who, at present, think they have all judgment in their own hands.

These observations will show you how far the imputations in the paragraph sent me approach the truth. Yet they are not intended for a newspaper. At a very early period of my life, I determined never to put a sentence into any newspaper. I have religiously adhered to the resolution through my life, and have great reason to be contented with it. Were I to undertake to answer the calumnies of the newspapers, it would be more than all my own time and that of twenty aids could effect. For while I should be answering one, twenty new ones would be invented. I have thought it better to trust to the justice of my countrymen, that they would judge me by what they *see* of my conduct on the stage where they have placed me, and what they knew of me *before* the epoch, since which a particular party has supposed it might answer some view of theirs to vilify me in the public eye. Some, I know, will not reflect how apocryphal is the testimony of enemies so palpably betraying the views with which they give it. But this is an injury to which duty requires every one to submit whom the public think proper to call into its councils. I thank you, my dear Sir, for the interest you have for me on this occasion. Though I have made up my mind not to suffer calumny to disturb my tranquillity, yet I retain all my sensibilities for the approbation of the good and just. That is, indeed, the chief consolation for the hatred of so many, who, without the least personal knowledge, and on the sacred evidence of Porcupine and Fenno alone, cover me with their implacable hatred. The only return I will ever make them, will be to do them all the good I can, in spite of their teeth.

I have the pleasure to inform you that all your friends in this quarter are well, and to assure you of the sentiments of sincere esteem and respect with which I am, Dear Sir, your friend and servant,

Th: Jefferson.

LETTER CCXL.

TO A. H. ROWAN.

Monticello, September 26, 1798.

Sir,

To avoid the suspicions and curiosity of the post-office, which would have been excited by seeing your name and mine on the back of a letter, I have delayed acknowledging the receipt of your favor of July last, till an occasion to write to an inhabitant of Wilmington gives me an opportunity of putting my letter under cover to him. The system of alarm and jealousy which has been so powerfully played off in England, has been mimicked here, not entirely without success. The most long-sighted politician could not, seven years ago, have imagined that the people of this wide extended country could have been enveloped in such delusion, and made so much afraid of themselves and their own power, as to surrender it spontaneously to those who are manœuvring them into a form of government, the principal branches of which may be beyond their control. The commerce of England, however, has spread its roots over the whole face of our country. This is the real source of all the obliquities of the public mind: and I should have had doubts of the ultimate term they might attain; but happily, the game, to be worth the playing of those engaged in it, must flush them with money. The authorized expenses of this year are beyond those of any year in the late war for independence, and they are of a nature to beget great and constant expenses. The purse of the people is the real seat of sensibility. It is to be drawn upon largely, and they will then listen to truths which could not excite them through any other organ. In this State, however, the delusion has not prevailed. They are sufficiently on their guard to have justified the assurance, that should you choose it for your asylum, the laws of the land, administered by upright judges, would protect you from any exercise of power unauthorized by the constitution of the United States. The *habeas corpus* secures every man here, alien or citizen, against every thing which is not law, whatever shape it may assume. Should this, or any other circumstance, draw your footsteps this way, I shall be happy to be among those who may have an opportunity of testifying, by every attention in our power, the sentiments of esteem and respect which the circumstances of your history have inspired, and which are peculiarly felt by, Sir, your most obedient and most humble servant,

TH : JEFFERSON.

LETTER CCXLI.

TO STEPHENS THOMPSON MASON.

Monticello, October 11, 1798.

DEAR SIR,

I have to thank you for your favor of July the 6th, from Philadelphia. I did not immediately acknowledge it, because I knew you would have come away. The X. Y. Z. fever has considerably abated through the country, as I am informed, and the alien and sedition laws are working hard. I fancy that some of the State legislatures will take strong ground on this occasion. For my own part, I consider those laws as merely an experiment on the American mind, to see how far it will bear an avowed violation of the constitution. If this goes down, we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life. At least, this may be the aim of the Oliverians, while Monk and the Cavaliers (who are perhaps the strongest) may be playing their game for the restoration of his Most Gracious Majesty George the Third. That these things are in contemplation, I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shown themselves susceptible.

You promised to endeavor to send me some tenants. I am waiting for them, having broken up two excellent farms with twelve fields in them of forty acres each, some of which I have sowed with small grain. Tenants of any size may be accommodated with the number of fields suited to their force. Only send me good people, and write me what they are. Adieu.

Yours affectionately,

TH: JEFFERSON.

LETTER CCXLII.

TO JOHN TAYLOR.

Monticello, November 26, 1798.

DEAR SIR,

We formerly had a debtor and creditor account of letters on farming: but the high price of tobacco, which is likely to continue for some short time, has tempted me to go entirely into that culture, and in the mean time, my farming schemes are in abeyance, and my farming fields at nurse against the time of my resuming them. But I owe you a political letter. Yet the infidelities of the post-office and the circumstances of the times are against my writing fully and freely, whilst my own dispositions are as much against mysteries, innuendoes, and half confidences. I know not which mortifies me most, that I should fear to write what I think, or my country bear such a state of things. Yet Lyon's judges, and a jury of all nations, are objects of national fear. We agree in all the essential ideas of your letter. We agree particularly in the necessity of some reform, and of some better security for civil liberty. But perhaps we do not see the existing circumstances in the same point of view. There are many considerations *dehors* of the State, which will occur to you without enumeration. I should not apprehend them, if all was sound within. But there is a most respectable part of our State who have been enveloped in the X. Y. Z. delusion, and who destroy our unanimity for the present moment. This disease of the imagination will pass over, because the patients are essentially republicans. Indeed, the Doctor is now on his way to cure it, in the guise of a tax-gatherer. But give time for the medicine to work, and for the repetition of stronger doses, which must be administered. The principle of the present majority is *excessive expense*, money enough to fill all their maws, or it will not be worth the risk of their supporting. They cannot borrow a dollar in Europe, or above two or three millions in America. This is not the fourth of the expenses of this year, unprovided for. Paper money would be perilous even to the paper men. Nothing then but excessive taxation can get us along: and this will carry reason and reflection to every man's door, and particularly in the hour of election.

I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution; I mean an additional article, taking from the federal government the power of borrowing. I now deny their power of making paper money or any thing else a legal tender. I know that to pay all proper expenses within the year, would, in case of war, be hard on us. But not so hard as ten wars instead of one. For wars would be reduced in that proportion; besides that the State governments would be free to lend *their credit* in borrowing quotas. For the present, I should be for resolving the alien and sedition laws to be against the constitution and merely void, and for addressing the other States to obtain similar declarations; and I would not do any thing at this moment which should commit us further, but reserve ourselves to shape our future measures or no measures, by the events which may happen. It is a singular phenomenon, that while our State governments are the very *best in the world*, without exception or comparison, our General Government has, in the rapid course of nine or ten years, become more arbitrary, and has swallowed more of the public liberty, than even that of England. I enclose you a column, cut out of a London paper, to show you that the English, though charmed with our making their enemies our enemies, yet blush and weep over our sedition-law. But I enclose you something more important. It is a petition for a reformation in the manner of appointing our juries, and a remedy against the *jury of all nations*, which is handing about here for signature, and will be presented to your House. I know it will require but little ingenuity to make objections to the details of its execution; but do not be discouraged by small difficulties; make it as perfect as you can at a first essay, and depend on amending its defects as they develope themselves in practice. I hope it will meet with your approbation and patronage. It is the only thing which can yield us a little present protection against the dominion of a faction, while circumstances are maturing for bringing and keeping the government in real unison with the spirit of their constituents. I am aware that the act of Congress has directed that juries shall be appointed by lot or otherwise, as the laws *now* (at the date of the act) in force in the several States provide. The New England States have always had them elected by their selectmen, who are elected by the people. Several or most of the other States have a large number appointed (I do not know how) to attend, out of whom twelve for each cause are taken by lot. This provision of Congress will render it necessary for our Senators or Delegates to apply for an amendatory law, accommodated to that prayed for in the petition. In the mean time, I would pass the law as if the amendatory one existed, in reliance, that our select jurors attending, the federal judge will under a sense of right direct the juries to be taken from among them. If he does not, or if Congress refuses to pass the amendatory law, it will serve as eye-water for their constituents. Health, happiness, *safety*, and esteem to yourself and my ever honored and ancient friend Mr. Pendleton. Adieu.

TH: JEFFERSON.

LETTER CCXLIII.

TO JAMES MADISON.

Philadelphia, January 3, 1799.

DEAR SIR,

I have suffered the post hour to come so nearly on me, that I must huddle over what I have more than appears in the public papers. I arrived here on Christmas day, not a single bill or other article of business having yet been brought into Senate. The President's speech, so unlike himself in point of moderation, is supposed to have been written by the military conclave, and particularly Hamilton. When the Senate gratuitously hint Logan to him, you see him in his reply come out in his genuine colors. The debates on that subject and Logan's declaration you will see in the papers. The republican spirit is supposed to be gaining ground in this State and Massachusetts. The tax-gatherer has already excited discontent. Gerry's correspondence with Talleyrand, promised by the President at the opening of the session, is still kept back. It is known to show France in a very conciliatory attitude, and to contradict some executive assertions. Therefore, it is supposed they will get their war measures well taken before they will produce this damper. Vans Murray writes them, that the French government is sincere in their overtures for reconciliation, and have agreed, if these fail, to admit the mediation offered by the Dutch government.

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General Knox has become bankrupt for four hundred thousand dollars, and has resigned his military commission. He took in General Lincoln for one hundred and fifty thousand dollars, which breaks him. Colonel Jackson also sunk with him. It seems generally admitted, that several cases of the yellow fever still exist in the city, and the apprehension is, that it will re-appear early in the spring. You promised me a copy of McGee's bill of prices. Be so good as to send it on to me here. Tell Mrs. Madison her friend Madame d'Yrujo is as well as one can be so near to a formidable crisis. Present my friendly respects to her, and accept yourself my sincere and affectionate salutations. Adieu.

TH : JEFFERSON.

P. S. I omitted to mention that a petition has been presented to the President, signed by several thousand persons in Vermont, praying a remitment of Lyon's fine. He asked the bearer of the petition if Lyon himself had petitioned, and being answered in the negative, said, 'Penitence must precede pardon.' T. J.

LETTER CCXLIV.

TO JAMES MADISON.

Philadelphia, January 16, 1799.

DEAR SIR,

The forgery lately attempted to be played off by Mr. H. on the House of Representatives, of a pretended memorial presented by Logan to the French government, has been so palpably exposed, as to have thrown ridicule on the whole of the clamors they endeavored to raise as to that transaction. Still, however, their majority will pass the bill. The real views in the importance they have given to Logan's enterprise are mistaken by nobody. Mr. Gerry's communications relative to his transactions after the departure of his colleagues, though he has now been returned five months, and they have been promised to the House six or seven weeks, are still kept back. In the mean time, the paper of this morning promises them from the Paris papers. It is said, they leave not a possibility to doubt the sincerity and the anxiety of the French government to avoid the spectacle of a war with us. Notwithstanding this is well understood, the army and a great addition to our navy are steadily intended. A loan of five millions is opened at eight per cent. interest!

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In a society of members, between whom and yourself are great mutual esteem and respect, a most anxious desire is expressed that you would publish your debates of the convention. That these measures of the army, navy, and direct-tax, will bring about a revolution of public sentiment is thought certain, and that the constitution will then receive a different explanation. Could those debates be ready to appear critically, their effect would be decisive. I beg of you to turn this subject in your mind. The arguments against it will be personal; those in favor of it moral; and something is required from you as a set-off against the sin of your retirement. Your favor of December the 29th came to hand January the 5th; seal sound. I pray you always to examine the seals of mine to you, and the strength of the impression. The suspicions against the government on this subject are strong. I wrote you January the 5th. Accept for yourself and Mrs. Madison my affectionate salutations. Adieu.

TH: JEFFERSON.

LETTER CCXLV.

TO ELBRIDGE GERRY.

Philadelphia, January 26, 1799.

MY DEAR SIR,

Your favor of November the 12th was safely delivered to me by Mr. Binney; but not till December the 28th, as I arrived here only three days before that date. It was received with great satisfaction. Our very long intimacy as fellow-laborers in the same cause, the recent expressions of mutual confidence which had preceded your mission, the interesting course which that had taken, and particularly and personally as it regarded yourself, made me anxious to hear from you on your return. I was the more so too, as I had myself during the whole of your absence, as well as since your return, been a constant butt for every shaft of calumny which malice and falsehood could form, and the presses, public speakers, or private letters disseminate. One of these, too, was of a nature to touch yourself; as if, wanting confidence in your efforts, I had been capable of usurping powers committed to you, and authorizing negotiations private and collateral to yours. The real truth is, that though Doctor Logan, the pretended missionary, about four or five days before he sailed for Hamburg, told me he was going there, and thence to Paris, and asked and received from me a certificate of his citizenship, character, and circumstances of life, merely as a protection, should he be molested on his journey in the present turbulent and suspicious state of Europe, yet I had been led to consider his object as relative to his private affairs; and though, from an intimacy of some standing, he knew well my wishes for peace and my political sentiments in general, he nevertheless received then no particular declaration of them, no authority to communicate them to any mortal, nor to speak to any one in my name, or in any body's name, on that, or any other subject whatever; nor did I write by him a scrip of a pen to any person whatever. This he has himself honestly and publicly declared since his return; and from his well known character and every other circumstance, every candid man must perceive that his enterprise was dictated by his own enthusiasm, without consultation or communication with any one; that he acted in Paris on his own ground, and made his own way. Yet to give some color to his proceedings, which might implicate the republicans in general, and myself particularly, they have not been ashamed to bring forward a supposititious paper, drawn by one of their own party in the name of Logan, and falsely pretended to have been presented by him to the government of France; counting that the bare mention of my name therein, would connect that in the eye of the public with this transaction. In confutation of these and all future calumnies, by way of anticipation, I shall make to you a profession of my political faith; in confidence that you will consider every future imputation on me of a contrary complexion, as bearing on its front the mark of falsehood and calumny.

I do then, with sincere zeal, wish an inviolable preservation of our present federal constitution, according to the true sense in which it was adopted by the States, that in which it was advocated by its friends, and not that which its enemies apprehended, who, therefore, became its enemies: and I am opposed to the monarchizing its features by the forms of its administration, with a view to conciliate a first transition to a President and Senate for life, and from that to an hereditary tenure of these offices, and thus to worm out the elective principle. I am for preserving to the States the powers not yielded by them to the Union, and to the legislature of the Union its constitutional share in the division of powers; and I am not for transferring all the powers of the States to the General Government, and all those of that government to the executive branch. I am for a government rigorously frugal and simple, applying all the possible savings of the public revenue to the discharge of the national debt: and not for a multiplication of officers and salaries merely to make partisans, and for increasing, by every device, the public debt, on the principle of its being a public blessing. I am for relying, for internal defence, on our militia solely, till actual invasion, and for such a naval force only as may protect our coasts and harbors from such depredations as we have experienced: and not for a standing army in time of peace, which may overawe the public sentiment; nor for a navy, which, by its own expenses and the eternal wars in which it will implicate us, will grind us with public burthens, and sink us under them. I am for free commerce with all nations; political connection with none; and little or no diplomatic establishment. And I am not for linking ourselves by new treaties with the quarrels of Europe; entering that field of slaughter to preserve their balance, or joining in the confederacy of kings to war against the principles of liberty. I am for freedom of religion, and against all manœuvres to bring about a legal ascendency of one sect over another: for freedom of the press and against all violations of the constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents. And I am for encouraging the progress of science in all its branches: and not for raising a hue and cry against the sacred name of philosophy; for awing the human mind by stories of raw-head and bloody-bones to a distrust of its own vision, and to repose implicitly on that of others; to go backwards instead of forwards to look for improvement; to believe that government, religion, morality, and every other science were in the highest perfection in ages of the darkest ignorance, and that nothing can ever be devised more perfect than what was established by our forefathers. To these I will add, that I was a sincere well-wisher to the success of the French revolution, and still wish it may end in the establishment of a free and well-ordered republic: but I have not been insensible under the atrocious depredations they have committed on our commerce. The first object of my heart is my own country. In that is embarked my family, my fortune, and my own existence. I have not one farthing of interest, nor one fibre of attachment out of it, nor a single motive of preference of any one nation to another, but in proportion as they are more or less friendly to us. But though deeply feeling the injuries of France, I did not think war the surest means of redressing them. I did believe, that a mission, sincerely disposed to preserve peace, would obtain for us a peaceable and honorable settlement and retribution; and I appeal to you to say, whether this might not have been obtained, if either of your colleagues had been of the same sentiment with yourself.

These, my friend, are my principles; they are unquestionably the principles of the great body of our fellow-citizens, and I know there is not one of them which is not yours also. In truth, we never differed but on one ground, the funding system; and as, from the moment of its being adopted by the constituted authorities, I became religiously principled in the sacred discharge of it to the uttermost farthing, we are united now even on that single ground of difference.

I turn now to your inquiries. The enclosed paper will answer one of them. But you also ask for such political information as may be possessed by me, and interesting to yourself in regard to your embassy. As a proof of my entire confidence in you, I shall give it fully and candidly. When Pinckney, Marshall, and Dana were nominated to settle our differences with France, it was suspected by many, from what was understood of their dispositions, that their mission would not result in a settlement of differences; but would produce circumstances tending to widen the breach, and to provoke our citizens to consent to a war with that nation, and union with England. Dana's resignation and your appointment gave the first gleam of hope of a peaceable issue to the mission. For it was believed that you were sincerely disposed to accommodation: and it was not long after your arrival there, before symptoms were observed of that difference of views which had been suspected to exist. In the mean time, however, the aspect of our government towards the French republic had become so ardent, that the people of America generally took the alarm. To the southward, their apprehensions were early excited. In the Eastern States also, they at length began to break out. Meetings were held in many of your towns, and addresses to the government agreed on in opposition to war. The example was spreading like a wild-fire. Other meetings were called in other places, and a general concurrence of sentiment against the apparent inclinations of the government was imminent; when, most critically for the government, the despatches of October the 22nd, prepared by your colleague Marshall, with a view to their being made public, dropped into their laps. It was truly a God-send to them, and they made the most of it. Many thousands of copies were printed and dispersed gratis, at the public expense; and the zealots for war co-operated so heartily, that there were instances of single individuals who printed and dispersed ten or twelve thousand copies at their own expense. The odiousness of the corruption supposed in those papers excited a general and high indignation among the people. Unexperienced in such manœuvres, they did not permit themselves even to suspect that the turpitude of private swindlers might mingle itself unobserved, and give its own hue to the communications of the French government, of whose participation there was neither proof nor probability. It served, however, for a time, the purpose intended. The people, in many places, gave a loose to the expressions of their warm indignation, and of their honest preference of war to dishonor. The fever was long and successfully kept up, and in the mean time, war measures as ardently crowded. Still, however, as it was known that your colleagues were coming away, and yourself to stay, though disclaiming a separate power to conclude a treaty, it was hoped by the lovers of peace, that a project of treaty would have been prepared, *ad referendum*, on principles which would have satisfied our citizens, and overawed any bias of the government towards a different policy. But the expedition of the Sophia, and, as was supposed, the suggestions of the person charged with your despatches, and his probable misrepresentations of the real wishes of the American people, prevented these hopes. They had then only to look forward to your return for such information, either through the executive, or from yourself, as might present to our view the other side of the medal. The despatches of October 22nd, 1797, had presented one face. That information, to a certain degree, is now received, and the public will see from your correspondence with Talleyrand, that France, as you testify, 'was sincere and anxious to obtain a reconciliation, not wishing us to break the British treaty, but only to give her equivalent stipulations; and in general, was disposed to a liberal treaty.' And they will judge whether Mr. Pickering's report shows an inflexible determination to believe no declarations the French government can make, nor any opinion which you, judging on the spot and from actual view, can give of their sincerity, and to meet their designs of peace with operations of war. The alien and sedition acts have already operated in the south as powerful sedatives of the X. Y. Z. inflammation. In your quarter, where violations of principle are either less regarded or more concealed, the direct tax is likely to have the same effect, and to excite inquiries into the object of the enormous expenses and taxes we are bringing on. And your information supervening, that we might have a liberal accommodation if we would, there can be little doubt of the reproduction of that general movement which had been changed, for a moment, by the despatches of October the 22nd. And though small checks and stops, like Logan's pretended embassy, may be thrown in the way, from time to time, and may a little retard its motion, yet the tide is already turned and will sweep before it all the feeble obstacles of art. The unquestionable republicanism of the American mind will break through the mist under which it has been clouded, and will oblige its agents to reform the principles and practices of their administration.

You suppose, that you have been abused by both parties. As far as has come to my knowledge, you are misinformed. I have never seen or heard a sentence of blame uttered against you by the republicans; unless we were so to construe their wishes that you had more boldly co-operated in a project of a treaty, and would more explicitly state, whether there was in your colleagues that flexibility, which persons earnest after peace would have practised. Whether, on the contrary, their demeanor was not cold, reserved, and distant, at least, if not backward; and whether, if they had yielded to those informal conferences which Talleyrand seems to have courted, the liberal accommodation you suppose, might not have been effected, even with their agency. Your fellow-citizens think they have a right to full information, in a case of such great concernment to them. It is their sweat which is to earn all the expenses of the war, and their blood which is to flow in expiation of the causes of it. It may be in your power to save them from these miseries by full communications and unrestrained details, postponing motives of delicacy to those of duty. It rests with you to come forward independently; to make your stand on the high ground of your own character; to disregard calumny, and to be borne above it on the shoulders of your grateful fellow-citizens; or to sink into the humble oblivion to which the federalists (self-called) have secretly condemned you; and even to be happy if they will indulge you with oblivion, while they have beamed on your colleagues meridian splendor. Pardon me, my dear Sir, if my expressions are strong. My feelings are so much more so, that it is with difficulty I reduce them even to the tone I use. If you doubt the dispositions towards you, look into the papers, on both sides, for the toasts which were given throughout the States on the fourth of July. You will there see whose hearts were with you, and whose were ulcerated against you. Indeed, as soon as it was known that you had consented to stay in Paris, there was no measure observed in the execrations of the war-party. They openly wished you might be guillotined, or sent to Cayenne, or any thing else. And these expressions were finally stifled from a principle of policy only, and to prevent you from being urged to a justification of yourself. From this principle alone proceed the silence and cold respect they observe towards you. Still, they cannot prevent at times the flames bursting from under the embers, as Mr. Pickering's letters, report, and conversations testify, as well as the indecent expressions respecting you, indulged by some of them in the debate on these despatches. These sufficiently show that you are never more to be honored or trusted by them, and that they wait to crush you for ever, only till they can do it without danger to themselves.

When I sat down to answer your letter, but two courses presented themselves, either to say nothing or every thing; for half confidences are not in my character. I could not hesitate which was due to you. I have unbosomed myself fully; and it will certainly be highly gratifying if I receive like confidence from you. For even if we differ in principle more than I believe we do, you and I know too well the texture of the human mind, and the slipperiness of human reason, to consider differences of opinion otherwise than differences of form or feature. Integrity of views, more than their soundness, is the basis of esteem. I shall follow your direction in conveying this by a private hand; though I know not as yet when one worthy of confidence will occur. And my trust in you leaves me without a fear that this letter, meant as a confidential communication of my impressions, may ever go out of your own hand, or be suffered in any wise to commit my name. Indeed, besides the accidents which might happen to it even under your care, considering the accident of death to which you are liable, I think it safest to pray you, after reading it as often as you please, to destroy at least the second and third leaves. The first contains principles only, which I fear not to avow; but the second and third contain facts stated for your information, and which, though sacredly conformable to my firm belief, yet would be galling to some, and expose me to illiberal attacks. I therefore repeat my prayer to burn the second and third leaves. And did we ever expect to see the day, when, breathing nothing but sentiments of love to our country and its freedom and happiness, our correspondence must be as secret as if we were hatching its destruction? Adieu, my friend, and accept my sincere and affectionate salutations. I need not add my signature.

LETTER CCXLVI.

TO EDMUND PENDLETON.

Philadelphia, January 29, 1799.

Dear Sir,

Your patriarchal address to your country is running through all the republican papers, and has a very great effect on the people. It is short, simple, and presents things in a view they readily comprehend. The character and circumstances too of the writer leave them without doubts of his motives. If, like the patriarch of old, you had but one blessing to give us, I should have wished it directed to a particular object. But I hope you have one for this also. You know what a wicked use has been made of the French negotiation; and particularly, the X. Y. Z. dish, cooked up by * * * * , where the swindlers are made to appear as the French government. Art and industry combined, have certainly wrought out of this business a wonderful effect on the people. Yet they have been astonished more than they have understood it, and now that Gerry's correspondence comes out, clearing the French government of that turpitude, and showing them 'sincere in their dispositions for peace, not wishing us to break the British treaty, and willing to arrange a liberal one with us,' the people will be disposed to suspect they have been duped. But these communications are too voluminous for them, and beyond their reach. A recapitulation is now wanting of the whole story, stating every thing according to what we may now suppose to have been the truth, short, simple, and levelled to every capacity. Nobody in America can do it so well as yourself, in the same character of the father of your country, or any form you like better, and so concise, as, omitting nothing material, may yet be printed in handbills, of which we could print and disperse ten or twelve thousand copies under letter covers, through all the United States, by the members of Congress when they return home. If the understanding of the people could be rallied to the truth on this subject, by exposing the dupery practised on them, there are so many other things about to bear on them favorably for the resurrection of their republican spirit, that a reduction of the admininistration to constitutional principles cannot fail to be the effect. These are the alien and sedition laws, the vexations of the stamp-act, the disgusting particularities of the direct tax, the additional army without an enemy, and recruiting officers lounging at every Court-House to decoy the laborer from his plough, a navy of fifty ships, five millions to be raised to build it, on the usurious interest of eight per cent., the perseverance in war on our part, when the French government shows such an anxious desire to keep at peace with us, taxes of ten millions now paid by four millions of people, and yet a necessity, in a year or two, of raising five millions more for annual expenses. These things will immediately be bearing on the public mind, and if it remain not still blinded by a supposed necessity, for the purposes of maintaining our independence and defending our country, they will set things to rights. I hope you will undertake this statement. If any body else had possessed your happy talent for this kind of recapitulation, I would have been the last to disturb you with the application; but it will really be rendering our country a service greater than it is in the power of any other individual to render. To save you the trouble of hunting the several documents from which this statement is to be taken, I have collected them here completely, and enclose them to you.

Logan's bill has passed. On this subject it is hardly necessary for me to declare to you, on every thing sacred, that the part they ascribed to me was entirely a calumny. Logan called on me, four or five days before his departure, and asked and received a certificate (in my private capacity) of his citizenship and circumstances of life, merely as a protection, should he be molested in the present turbulent state of Europe. I have given such to an hundred others, and they have been much more frequently asked and obtained by tories than whigs.

* * * * * * * * * *

Accept my sincere prayers for long and happy years to you still, and my affectionate salutations and adieu.

TH: JEFFERSON.

LETTER CCXLVII.

TO JAMES MADISON.

Philadelphia, February 5, 1799.

DEAR SIR,

I wrote you last on the 30th of January; since which yours of the 25th has been received.

* * * * * * * * *

The bill for continuing the suspension of intercourse with France and her dependencies, is still before the Senate, but will pass by a very great vote. An attack is made on what is called the Toussaint's clause, the object of which, as is charged by the one party and *admitted* by the other, is to facilitate the separation of the island from France. The clause will pass, however, by about nineteen to eight, or perhaps eighteen to nine. Rigaud, at the head of the people of color, maintains his allegiance. But they are only twenty-five thousand souls, against five hundred thousand, the number of the blacks. The treaty made with them by Maitland is (if they are to be separated from France) the best thing for us. They must get their provisions from us. It will indeed be in English bottoms, so that we shall lose the carriage. But the English will probably forbid them the ocean, confine them to their island, and thus prevent their becoming an American Algiers. It must be admitted, too, that they may play them off on us when they please. Against this there is no remedy but timely measures on our part, to clear ourselves, by degrees, of the matter on which that lever can work.

* * * * * * *

A piece published in Bache's paper on *foreign influence*, has had the greatest currency and effect. To an extraordinary first impression, they have been obliged to make a second, and of an extraordinary number. It is such things as these the public want. They say so from all quarters, and that they wish to hear *reason* instead of *disgusting blackguardism*. The public sentiment being now on the creen, and many heavy circumstances about to fall into the republican scale, we are sensible that this summer is the season for systematic energies and sacrifices. The engine is the press. Every man must lay his purse and his pen under contribution. As to the former, it is possible I may be obliged to assume something for you. As to the latter, let me pray and beseech you to set apart a certain portion of every post-day to write what may be proper for the public. Send it to me while here, and when I go away I will let you know to whom you may send, so that your name shall be sacredly secret. You can render such incalculable services in this way, as to lessen the effect of our loss of your presence here. I shall see you on the 5th or 6th of March.

Affectionate salutations to Mrs. Madison and yourself. Adieu.

Th : Jefferson.

LETTER CCXLVIII.

TO EDMUND PENDLETON.

Philadelphia, February 14, 1799.

Dear Sir,

I wrote you a petition on the 29th of January. I know the extent of this trespass on your traquillity, and how indiscreet it would have been under any other circumstances. But the fate of this country, whether it shall be irretrievably plunged into a form of government rejected by the makers of the constitution, or shall get back to the true principles of that instrument, depends on the turn which things may take within a short period of time ensuing the present moment. The violations of the constitution, propensities to war, to expense, and to a particular foreign connection, which we have lately seen, are becoming evident to the people, and are dispelling that mist which X. Y. Z. had spread before their eyes. This State is coming forward with a boldness not yet seen. Even the German counties of York and Lancaster, hitherto the most devoted, have come about, and by petitions with four thousand signers remonstrate against the alien and sedition laws, standing armies, and discretionary powers in the President. New York and Jersey are also getting into great agitation. In this State, we fear that the ill-designing may produce insurrection. Nothing could be so fatal. Any thing like force would check the progress of the public opinion and rally them round the government. This is not the kind of opposition the American people will permit. But keep away all show of force, and they will bear down the evil propensities of the government, by the constitutional means of election and petition. If we can keep quiet, therefore, the tide now turning will take a steady and proper direction. Even in New Hampshire there are strong symptoms of a rising inquietude. In this state of things, my dear Sir, it is more in your power than any other man's in the United States, to give the *coup de grace* to the ruinous principles and practices we have seen. In hopes you have consented to it, I shall furnish to you some additional matter which has arisen since my last.

I enclose you a part of a speech of Mr. Gallatin on the naval bill. The views he takes of our finances, and of the policy of our undertaking to establish a great navy, may furnish some hints. I am told, something on the same subject from Mr. J. Nicholas will appear in the Richmond and Fredericksburg papers. I mention the real author, that you may respect it duly, for I presume it will be anonymous. The residue of Gallatin's speech shall follow when published. A recent fact proving the anxiety of France for a reconciliation with us, is the following. You know that one of the armed vessels which we took from her was refitted by us, sent to cruise against her, re-captured, and carried into Guadaloupe under the name of the Retaliation. On the arrival there of Desfourneaux, the new commissioner, he sent Victor Hughes home in irons; called up our captain; told him that he found he had a regular commission as an officer of the United States; that his vessel was then lying in the harbor; that he should inquire into no fact preceding his own arrival (by this he avoided noticing that the vessel was really French property), and that, therefore, himself and crew were free to depart with their vessel; that as to the differences between France and the United States, commissioners were coming out to settle them, and, in the mean time, no injury should be done on their part. The captain insisted on being a prisoner; the other disclaimed; and so he arrived here with vessel and crew the day before yesterday. Within an hour after this was known to the Senate, they passed the retaliation bill, of which I enclose you a copy. This was the more remarkable, as the bill was founded expressly on the *Arrêt* of October the 29th, which had been communicated by the President as soon as received, and he remarked, 'that it could not be too soon communicated to the two Houses and the public.' Yet he almost in the same instant received, through the same channel, Mr. King's information that that *Arrêt* was suspended, and though he knew we were making it the foundation of a retaliation bill, he has never yet communicated it. But the Senate knew the fact informally from the Secretary of State, and knowing it, passed the bill.

The President has appointed, and the Senate approved, Rufus King, to enter into a treaty of commerce with the Russians, at London, and William Smith (Phocion), Envoy Extraordinary and Minister Plenipotentiary, to go to Constantinople to make one with the Turks. So that as soon as there is a coalition of Turks, Russians, and English, against France, we seize that moment to countenance it as openly as we dare, by treaties, which we never had with them before. All this helps to fill up the measure of provocation towards France, and to get from them a declaration of war, which we are afraid to be the first in making. It is certain the French have behaved atrociously towards neutral nations, and us particularly; and though we might be disposed not to charge them with all the enormities committed in their name in the West Indies, yet they are to be blamed for not doing more to prevent them. A just and rational censure ought to be expressed on them, while we disapprove the constant billingsgate poured on them *officially*. It is at the same time true, that their enemies set the first example of violating neutral rights, and continue it to this day: insomuch, that it is declared on all hands, and particularly by the insurance companies, and denied by none, that the British spoliations have considerably exceeded the French during the last six months. Yet not a word of these things is said officially to the legislature.

Still further, to give the devil his due (the French), it should be observed that it has been said without contradiction, and the people made to believe, that their refusal to receive our Envoys was contrary to the law of nations, and a sufficient cause of war: whereas every one who ever read a book on the law of nations knows, that it is an unquestionable right in every power, to refuse to receive any minister who is personally disagreeable. Martens, the latest and a very respected writer, has laid it down so clearly and shortly in his ‘Summary of the Law of Nations,’ B. 7. ch. 2. sect. 9. that I will transcribe the passage verbatim. ‘Section 9. Of choice in the person of the minister. The choice of the person to be sent as minister depends of right on the sovereign who sends him, leaving the right, however, of him to whom he is sent, of refusing to acknowledge any one, to whom he has a personal dislike, or who is inadmissible by the laws and usages of the country.’ And he adds notes proving by instances, &c. This is the whole section.

Notwithstanding all these appearances of peace from France, we are, besides our *existing* army of five thousand men, and *additional* army of nine thousand (now officered and levying), passing a bill for an *eventual* army of thirty regiments (thirty thousand) and for rigimenting, brigading, officering, and exercising *at the public expense* our *volunteer* army, the amount of which we know not. I enclose you a copy of the bill, which has been twice read and committed in Senate. To meet this expense, and that of the six seventy-fours and six eighteens, part of the proposed fleet, we have opened a loan of five millions at eight per cent., and authorize another of two millions: and, at the same time, every man voting for these measures acknowleges there is no probability of an invasion by France. While speaking of the restoration of our vessel, I omitted to add, that it is said that our government contemplate restoring the Frenchmen taken originally in the same vessel, and kept at Lancaster as prisoners. This has furnished the idea of calling her a *cartel* vessel, and pretending that she came as such for an exchange of prisoners, which is false. She was delivered free and without condition, but it does not suit to let any new evidence appear of the desire of conciliation in France.

I believe it is now certain that the commissioners on the British debts can proceed together no longer. I am told that our two have prepared a long report, which will perhaps be made public. The result will be, that we must recur again to negotiation, to settle the principles of the British claims. You know that Congress rises on the 3rd of March, and that if you have acceded to my prayers, I should hear from you at least a week before our rising. Accept my affectionate salutations, and assurances of the sincere esteem with which I am, Dear Sir, your friend and servant,

TH : JEFFERSON.

LETTER CCXLIX.

TO JAMES MADISON.

Philadelphia, February 19, 1799.

DEAR SIR,

I wrote you last on the 11th ; yesterday the bill for the *eventual* army of thirty regiments (thirty thousand) and seventy-five thousand volunteers, passed the Senate. By an amendment, the President was authorized to use the volunteers for every purpose for which he can use militia, so that the militia are rendered completely useless. The friends of the bill acknowledge that the volunteers are a *militia*, and agreed that they might properly be called the 'Presidential militia.' They are not to go out of their State without their own consent. Consequently, all service out of the State is thrown on the constitutional militia, the Presidential militia being exempted from doing duty with them. Leblane, an agent from Desfourneaux, of Guadaloupe, came in the Retaliation. You will see in the papers Desfourneaux's letter to the President, which will correct some immaterial circumstances of the statement in my last. You will see the truth of the main fact, that the vessel and crew were liberated without condition. Notwithstanding this, they have obliged Leblane to receive the French prisoners, and to admit, in the papers, the terms, 'in *exchange* for *prisoners* taken from us,' he denying at the same time that they consider them as *prisoners*, or had any idea of *exchange*. The object of his mission was not at all relative to that ; but they choose to keep up the idea of a cartel, to prevent the transaction from being used as evidence of the sincerity of the French government towards a reconciliation. He came to assure us of a discontinuance of all irregularities in French privateers from Guadaloupe. He has been received very cavalierly. In the mean time, a *Consul General* is named to St. Domingo: who may be considered as our Minister to Toussaint.

But the event of events was announced to the Senate yesterday. It is this: it seems that soon after Gerry's departure, overtures must have been made by Pichon, French Chargé d'Affaires at the Hague, to Murray. They were so soon matured, that on the 28th of September, 1798, Talleyrand writes to Pichon, approving what had been done, and particularly of his having assured Murray that *whatever* Plenipotentiary the government of the United States should send to France to end our differences, would undoubtedly be received with the respect due to the representative of a *free, independent, and powerful nation;* declaring that the President's instructions to his Envoys at Paris, if they contain the whole of the American government's intentions, announce dispositions which have been always entertained by the Directory; and desiring him to communicate these expressions to Murray, in order to convince him of the sincerity of the French government, and to prevail on him to transmit them to his government. This is dated September the 28th, and may have been received by Pichon October the 1st; and nearly five months elapse before it is communicated. Yesterday the President nominated to the Senate William Vans Murray Minister Plenipotentiary to the French republic, and added, that he shall be instructed not to go to France, without direct and unequivocal assurances from the French government that he shall be received in character, enjoy the due privileges, and a minister of equal rank, title, and power, be appointed to discuss and conclude our controversy by a new treaty. This had evidently been kept secret from the federalists of both Houses, as appeared by their dismay. The Senate have passed over this day without taking it up. It is said they are graveled and divided; some are for opposing, others do not know what to do. But in the mean time, they have been permitted to go on with all the measures of war and patronage, and when the close of the session is at hand it is made known. However, it silences all arguments against the sincerity of France, and renders desperate every further effort towards war. I enclose you a paper with more particulars. Be so good as to keep it till you see me, and then return it, as it is the copy of one I sent to another person, and is the only copy I have. Since I began my letter I have received yours of February the 7th and 8th, with its enclosures; that referred to my discretion is precious, and shall be used accordingly.

Affectionate salutations to Mrs. Madison and yourself, and adieu.

TH: JEFFERSON.

LETTER CCL.

TO GENERAL KOSCIUSKO.

Philadelphia, February 21, 1799.

My Dear Friend,

* * * * * *

On politics I must write sparingly, lest it should [fall into the hands of persons who do not love either you or me. The wonderful irritation produced in the minds of our citizens by the X. Y. Z. story, has in a great measure subsided. They begin to suspect and to see it coolly in its true light. Mr. Gerry's communications, with other information, prove to them that France is sincere in her wishes for reconciliation; and a recent proposition from that country, through Mr. Murray, puts the matter out of doubt. What course the government will pursue, I know not. But if we are left in peace, I have no doubt the wonderful turn in the public opinion now manifestly taking place and rapidly increasing, will, in the course of this summer, become so universal and so weighty, that friendship abroad and freedom at home will be firmly established by the influence and constitutional powers of the people at large. If we are forced into war, we must give up political differences of opinion, and unite as one man to defend our country. But whether at the close of such a war, we should be as free as we are now, God knows. In fine, if war takes place, republicanism has every thing to fear; if peace, be assured that your forebodings and my alarms will prove vain; and that the spirit of our citizens now rising as rapidly as it was then running crazy, and rising with a strength and majesty which show the loveliness of freedom, will make this government in practice, what it is in principle, a model for the protection of man in a state of *freedom* and *order*. May Heaven have in store for your country a restoration of these blessings, and you be destined as the instrument it will use for that purpose. But if this be forbidden by fate, I hope we shall be able to preserve here an asylum where your love of liberty and disinterested patriotism will be for ever protected and honored, and where you will find in the hearts of the American people, a good portion of that esteem and affection which glow in the bosom of the friend who writes this; and who with sincere prayers for your health, happiness, and success, and cordial salutations, bids you, for this time, adieu.

Th : Jefferson.

LETTER CCLI.

TO JAMES MADISON.

Philadelphia, February 26, 1799.

DEAR SIR,

My last to you was of the 19th; it acknowledged yours of the 8th. In mine I informed you of the nomination of Murray. There is evidence that the letter of Talleyrand was known to one of the Secretaries, therefore probably to all; the nomination, however, is declared by one of them to have been kept secret from them all. He added, that he was glad of it, as, had they been consulted, the advice would have been against making the nomination. To the rest of the party, however, the whole was a secret till the nomination was announced. Never did a party show a stronger mortification, and consequently, that war had been their object. Dana declared in debate (as I have from those who were present) that we had done every thing which might provoke France to war; that we had given her insults which no nation ought to have borne; and yet she would not declare war. The conjecture as to the executive is, that they received Talleyrand's letter before or about the meeting of Congress: that not meaning to meet the overture effectually, they kept it secret, and let all the war measures go on; but that just before the separation of the Senate, the President, not thinking he could justify the concealing such an overture, nor indeed that it could be concealed, made a nomination, hoping that his friends in the Senate would take on their own shoulders the odium of rejecting it; but they did not choose it. The Hamiltonians would not, and the others could not, alone. The whole artillery of the phalanx, therefore, was played secretly on the President, and he was obliged himself to take a step which should parry the overture while it wears the face of acceding to it. (Mark that I state this as conjecture; but founded on workings and indications which have been under our eyes.) Yesterday, therefore, he sent in a nomination of Oliver Ellsworth, Patrick Henry, and William Vans Murray, Envoys Extraordinary and Ministers Plenipotentiary to the French Republic, but declaring the two former should not leave this country till they should receive from the French Directory assurances that they should be received with the respect due by the law of nations to their character, &c. This, if not impossible, must at least keep off the day, so hateful and so fatal to them, of reconciliation, and leave more time for new projects of provocation. Yesterday witnessed a scandalous scene in the House of Representatives. It was the day for taking up the report of their committee against the alien and sedition laws, &c. They held a caucus and determined that not a word should be spoken on their side, in answer to any thing which should be said on the other. Gallatin took up the alien, and Nicholas the sedition law; but after a little while of common silence, they began to enter into loud conversations, laugh, cough, &c., so that for the last hour of these gentlemen's speaking, they must have had the lungs of a vendue-master to have been heard. Livingston, however, attempted to speak. But after a few sentences, the speaker called him to order, and told him what he was saying was not to the question. It was impossible to proceed. The question was taken and carried in favor of the report, fifty-two to forty-eight; the real strength of the two parties is fifty-six to fifty. But two of the latter have not attended this session. I send you the report of their committee. I still expect to leave this on the 1st, and be with you on the 7th of March. But it is possible I may not set out till the 4th, and then shall not be with you till the 10th. Affectionately adieu.

Th: Jefferson.

LETTER CCLII.

TO T. LOMAX.

Monticello, March 12, 1799.

Dear Sir,

Your welcome favor of last month came to my hands in Philadelphia. So long a time has elapsed since we have been separated by events, that it was like a letter from the dead, and recalled to my memory very dear recollections. My subsequent journey through life has offered nothing which, in comparison with those, is not cheerless and dreary. It is a rich comfort sometimes to look back on them.

I take the liberty of enclosing a letter to Mr. Baylor, open, because I solicit your perusal of it. It will, at the same time, furnish the apology for my not answering you from Philadelphia. You ask for any communication I may be able to make, which may administer comfort to you. I can give that which is solid. The spirit of 1776 it not dead. It has only been slumbering. The body of the American people is substantially republican. But their virtuous feelings have been played on by some fact with more fiction; they have been the dupes of artful manœuvres, and made for a moment to be willing instruments in forging chains for themselves. But time and truth have dissipated the delusion, and opened their eyes. They see now that France has sincerely wished peace, and their seducers have wished war, as well for the loaves and fishes which arise out of war expenses, as for the chance of changing the constitution, while the people should have time to contemplate nothing but the levies of men and money. Pennsylvania, Jersey, and New York are coming majestically round to the true principles. In Pennsylvania, thirteen out of twenty-two counties had already petitioned on the alien and sedition laws. Jersey and New York had begun the same movement, and though the rising of Congress stops that channel for the expression of their sentiment, the sentiment is going on rapidly, and before their next meeting those three States will be solidly embodied in sentiment with the six southern and western ones. The atrocious proceedings of France towards this country had well nigh destroyed its liberties. The Anglomen and monocrats had so artfully confounded the cause of France with that of freedom, that both went down in the same scale. I sincerely join you in abjuring all political connection with every foreign power: and though I cordially wish well to the progress of liberty in all nations, and would for ever give it the weight of our countenance, yet they are not to be touched without contamination, from their other bad principles. Commerce with all nations, alliance with none, should be our motto.

Accept assurances of the constant and unaltered affection of, Dear Sir, your sincere friend and servant,

Th: Jefferson.

LETTER CCLIII.

TO EDMUND RANDOLPH.

Monticello, August 18, 1799.

Dear Sir,

I received only two days ago your favor of the 12th, and as it was on the eve of the return of our post, it was not possible to make so prompt a despatch of the answer. Of all the doctrines which have ever been broached by the federal government, the novel one, of the common law being in force and cognizable as an existing law in their courts, is to me the most formidable. All their other assumptions of ungiven powers have been in the detail. The bank-law, the treaty-doctrine, the sedition-act, alien-act, the undertaking to change the State laws of evidence in the State courts by certain parts of the stamp-act, &c. &c. have been solitary, unconsequential, timid things, in comparison with the audacious, barefaced, and sweeping pretension to a system of law for the United States, without the adoption of their legislature, and so infinitely beyond their power to adopt. If this assumption be yielded to, the State courts may be shut up, as there will then be nothing to hinder citizens of the same State suing each other in the federal courts in every case, as on a bond for instance, because the common law obliges payment of it, and the common law they say is their law. I am happy you have taken up the subject; and I have carefully perused and considered the notes you enclosed, and find but a single paragraph which I do not approve. It is that wherein (page 2) you say, that laws being emanations from the legislative department, and, when once enacted, continuing in force from a presumption that their will so continues, that that presumption fails, and the laws of course fall, on the destruction of that legislative department. I do not think this is the true bottom on which laws and the administering them rest. The whole body of the nation is the sovereign legislative, judiciary, and executive power for itself. The inconvenience of meeting to exercise these powers in person, and their inaptitude to exercise them, induce them to appoint special organs to declare their legislative will, to judge, and to execute it. It is the will of the nation which makes the law obligatory; it is their will which creates or annihilates the organ which is to declare and announce it. They may do it by a single person, as an Emperor of Russia (constituting his declarations evidence of their will), or by a few persons, as the aristocracy of Venice, or by a complication of councils, as in our former regal government, or our present republican one. The law being law because it is the will of the nation, is not changed by their changing the organ through which they choose to announce their future will; no more than the acts I have done by one attorney lose their obligation by my changing or discontinuing that attorney. This doctrine has been, in a certain degree, sanctioned by the federal executive. For it is precisely that on which the continuance of obligation from our treaty with France was established, and the doctrine was particularly developed in a letter to Gouverneur Morris, written with the approbation of President Washington and his cabinet. Mercer once prevailed on the Virginia Assembly to declare a different doctrine in some resolutions. These met universal disapprobation in this, as well as the other States, and if I mistake not, a subsequent Assembly did something to do away the authority of their former unguarded resolutions. In this case, as in all others, the true principle will be quite as effectual to establish the just deductions. Before the revolution, the nation of Virginia had, by the organs they then thought proper to constitute, established a system of laws, which they divided into three denominations of, 1. common law; 2. statute law; 3. chancery: or if you please, into two only, of 1. common law; 2. chancery. When by the Declaration of Independence, they chose to abolish their former organs of declaring their will, the acts of will already formally and constitutionally declared, remained untouched. For the nation was not dissolved, was not annihilated; its will, therefore, remained in full vigor: and on the establishing the new organs, first of a convention, and afterwards a more complicated legislature, the old acts of national will continued in force, until the nation should, by its new organs, declare its will changed. The common law, therefore, which was not in force when we landed here, nor till we had formed ourselves into a nation, and had manifested by the organs we constituted that the common law was to be our law, continued to be our law, because the nation continued in being, and because, though it changed the organs for the future declarations of its will, yet it did not change its former declarations that the common law was its law. Apply these principles to the present case. Before the revolution there existed no such nation as the United States: they then first associated as a nation, but for special purposes only. They had all their laws to make, as Virginia had on her first establishment as a nation. But they did not, as Virginia had done, proceed to adopt a whole system of laws ready made to their hand. As their association as a nation was only for special purposes, to wit, for the management of their concerns with one another and with foreign nations, and the States composing the association chose to give it powers for those purposes and no others, they could not adopt any general system, because it would have embraced objects on which this association had no right to form or declare a will. It was not the organ for declaring a national will in these cases. In the cases confided to them, they were free to declare the will of the nation, the law, but till it was declared there could be no law. So that the common law did not become, *ipso facto*, law on the new association; it could only become so by a positive adoption, and so far only as they were authorized to adopt.

I think it will be of great importance, when you come to the proper part, to portray at full length the consequences of this new doctrine, that the common law is the law of the United States, and that their courts have, of course, jurisdiction co-extensive with that law, that is to say, general over all cases and persons. But great heavens! Who could have conceived in 1789, that within ten years we should have to combat such windmills. Adieu. Yours affectionately, TH: JEFFERSON.

LETTER CCLIV.

TO WILSON C. NICHOLAS.

Monticello, September 5, 1799.

DEAR SIR,

Yours of August the 30th came duly to hand. It was with great regret we gave up the hope of seeing you here, but could not but consider the obstacle as legitimate. I had written to Mr. Madison, as I had before informed you, and had stated to him some general ideas for consideration and consultation when we should meet. I thought something essentially necessary to be said, in order to avoid the inference of acquiescence; that a resolution or declaration should be passed, 1. answering the reasonings of such of the States as have ventured into the field of reason, and that of the committee of Congress, taking some notice, too, of those States who have either not answered at all, or answered without reasoning. 2. Making firm protestation against the precedent and prinple, and *reserving* the right to make this palpable violation of the federal compact the ground of doing in future whatever we might now rightfully do, should repetitions of these and other violations of the compact render it expedient. 3. Expressing in affectionate and conciliatory language our warm attachment to union with our sister States, and to the instrument and principles by which we are united; that we are willing to sacrifice to this every thing but the rights of self-government in those important points which we have never yielded, and in which alone we see liberty, safety, and happiness; that not at all disposed to make every measure of error or of wrong, a cause of scission, we are willing to look on with indulgence, and to wait with patience, till those passions and delusions shall have passed over, which the federal government have artfully excited to cover its own abuses and conceal its designs, fully confident that the good sense of the American people, and their attachment to those very rights which we are now vindicating, will, before it shall be too late, rally with us round the true principles of our federal compact. This was only meant to give a general idea of the complexion and topics of such an instrument. Mr. M. who came, as had been proposed, does not concur in the *reservation* proposed above; and from this I recede readily, not only in deference to his judgment, but because, as we should never think of separation but for repeated and enormous violations, so these, when they occur, will be cause enough of themselves.

To these topics, however, should be added animadversions on the new pretensions to a *common law* of the United States. I proposed to Mr. M. to write to you but he observed that you knew his sentiments so perfectly from a former conference, that it was unnecessary. As to the preparing any thing, I must decline it, to avoid suspicions (which were pretty strong in some quarters on the late occasion), and because there remains still (after their late loss) a mass of talents in Kentucky sufficient for every purpose. The only object of the present communication is to procure a concert in the general plan of action, as it is extremely desirable that Virginia and Kentucky should pursue the same track on this occasion. Besides, how could you better while away the road from hence to Kentucky, than in meditating this very subject and preparing something yourself, than whom nobody will do it better. The loss of your brother, and the visit of the apostle * * * to Kentucky, excite anxiety. However, we doubt not that his poisons will be effectually counterworked. Wishing you a pleasant journey and happy return, I am with great and sincere esteem, Dear Sir, your affectionate friend and servant,

TH: JEFFERSON.

LETTER CCLV.

TO JAMES MADISON.

Monticello, November 22, 1799.

DEAR SIR,

I have never answered your letter by Mr. Polk, because I expected to have paid you a visit. This has been prevented by various causes, till yesterday. That being the day fixed for the departure of my daughter Eppes, my horses were ready for me to have set out to see you: an accident postponed her departure to this day, and my visit also. But Colonel Monroe dined with me yesterday, and on my asking his commands for you, he entered into the subject of the visit and dissuaded it entirely, founding the motives on the *espionage* of the little * * * in * * * * who would make it a subject of some political slander, and perhaps of some political injury. I have yielded to his representations, and therefore shall not have the pleasure of seeing you till my return from Philadelphia. I regret it sincerely, not only on motives of attention but of affairs. Some late circumstances changing considerably the aspect of our situation, must affect the line of conduct to be observed. I regret it the more too, because from the commencement of the ensuing session, I shall trust the post-offices with nothing confidential, persuaded that during the ensuing twelve months they will lend their inquisitorial aid to furnish matter for newspapers. I shall send you as usual printed communications, without saying any thing confidential on them. You will of course understand the cause.

In your new station let me recommend to you the jury system: as also the restoration of juries in the court of chancery, which a law not long since repealed, because 'the trial by jury is troublesome and expensive.' If the reason be good, they should abolish it at common law also. If Peter Carr is elected in the room of * * * he will undertake the proposing this business, and only need your support. If he is not elected, I hope you will get it done otherwise. My best respects to Mrs. Madison, and affectionate salutations to yourself.

Th: Jefferson.

LETTER CCLVI.

TO COLONEL MONROE.

Philadelphia, January 12, 1800.

Dear Sir,

Yours of January the 4th was received last night. I had then no opportunity of communicating to you confidentially information of the state of opinions here; but I learn to-night that two Mr. Randolphs will set out to-morrow morning for Richmond. If I can get this into their hands I shall send it; otherwise it may wait longer. On the subject of an election by a general ticket or by districts, most persons here seem to have made up their minds. All agree that an election by districts would be best, if it could be general: but while ten States choose either by their legislatures or by a general ticket, it is folly and worse than folly for the other six not to do it. In these ten States the minority is certainly unrepresented; and their majorities not only have the weight of their whole State in their scale, but have the benefit of so much of our minorities as can succeed at a district election. This is, in fact, insuring to our minorities the appointment of the government. To state it in another form; it is merely a question, whether we will divide the United States into sixteen or one hundred and thirty-seven districts. The latter being more chequered, and representing the people in smaller sections, would be more likely to be an exact representation of their diversified sentiments. But a representation of a part by great, and a part by small sections, would give a result very different from what would be the sentiment of the whole people of the United States, were they assembled together. I have to-day had a conversation with * * * * who has taken a flying trip here from New York. He says, they have really now a majority of the House of Representatives, but, for want of some skilful person to rally round, they are disjointed, and will lose every question. In the senate there is a majority of eight or nine against us. But in the new election which is to come on in April, three or four in the Senate will be changed in our favor; and in the House of Representatives the county elections will still be better than the last: but still all will depend on the city election, which is of twelve members. At present there would be no doubt of our carrying our ticket there; nor does there seem to be time for any events arising to change that disposition. There is therefore the best prospect possible of a great and decided majority on a joint vote of the two Houses. They are so confident of this, that the republican party there will not consent to elect either by districts or a general ticket. They choose to do it by their legislature. I am told the republicans of New Jersey are equally confident, and equally anxious against an election either by districts or a general ticket. The contest in this State will end in a separation of the present legislature without passing any election law (and their former one has expired), and in depending on the new one, which will be elected October the 14th, in which the republican majority will be more decided in the Representatives, and instead of a majority of five against us in the Senate, will be of one for us. They will, from the necessity of the case, choose the electors themselves. Perhaps it will be thought I ought in delicacy to be silent on this subject. But you, who know me, know that my private gratifications would be most indulged by that issue, which should leave me most at home. If any thing supersedes this propensity, it is merely the desire to see this government brought back to its republican principles. Consider this as written to Mr. Madison as much as yourself; and communicate it, if you think it will do any good, to those possessing our joint confidence, or any others where it may be useful and safe. Health and affectionate salutations.

Th: Jefferson.

LETTER CCLVII.

TO SAMUEL ADAMS.

Philadelphia, February 26, 1800.

Dear Sir,

Mr. Erving delivered me your favor of January the 31st, and I thank you for making me acquainted with him. You will always do me a favor in giving me an opportunity of knowing gentlemen as estimable in their principles and talents, as I find Mr. Erving to be. I have not yet seen Mr. Winthrop. A letter from you, my respectable friend, after three and twenty years of separation, has given me a pleasure I cannot express. It recalls to my mind the anxious days we then passed in struggling for the cause of mankind. Your principles have been tested in the crucible of time, and have come out pure. You have proved that it was monarchy, and not merely British monarchy, you opposed. A government by representives, elected by the people at *short* periods, was our object, and our maxim at that day was, 'Where annual election ends, tyranny begins'; nor have our departures from it been sanctioned by the happiness of their effects. A debt of an hundred millions growing by usurious interest, and an artificial paper phalanx overruling the agricultural mass of our country, with other *et ceteras*, have a portentous aspect.

I fear our friends on the other side the water, laboring in the same cause, have yet a great deal of crime and of misery to wade through. My confidence had been placed in the head, not in the heart of Bonaparte. I hoped he would calculate truly the difference between the fame of a Washington and a Cromwell. Whatever his views may be, he has at least transferred the destinies of the republic from the civil to the military arm. Some will use this as a lesson against the practicability of republican government. I read it as a lesson against the danger of standing armies.

Adieu, my ever respected and venerable friend. May that kind overruling Providence which has so long spared you to our country, still foster your remaining years with whatever may make them comfortable to yourself and soothing to your friends. Accept the cordial salutations of your affectionate friend,

Th: Jefferson.

LETTER CCLVIII.

TO JAMES MADISON.

Philadelphia, March 4, 1800.

DEAR SIR,

I have never written to you since my arrival here, for reasons which were explained. Yours of December the 29th, January the 4th, 9th, 12th, 18th, and February the 14th, have therefore remained unacknowledged. I have at different times enclosed to you such papers as seemed interesting. To-day I forward Bingham's amendment to the election bill formerly enclosed to you, Mr. Pinckney's proposed amendment to the constitution, and the report of the Ways and Means. Bingham's amendment was lost by the usual majority of two to one. A very different one will be proposed, containing the true sense of the minority, viz. that the two Houses, voting by heads, shall decide such questions as the constitution authorizes to be raised. This may probably be taken up in the other House under better auspices, for though the federalists have a great majority there, yet they are of a more moderate temper than for some time past. The Senate, however, seem determined to yield to nothing which shall give the other House greater weight in the decision on elections than they have.

Mr. Pinckney's motion has been supported, and is likely to have some votes which were not expected. I rather believe he will withdraw it, and propose the same thing in the form of a bill; it being the opinion of some that such a regulation is not against the present constitution. In this form it will stand a better chance to pass, as a majority only in both Houses will be necessary. By putting off the building the seventy-fours and stopping enlistments, the loan will be reduced to three and a half millions. But I think it cannot be obtained. For though no new bankruptcies have happened here for some weeks, or in New York, yet they continue to happen in Baltimore, and the whole commercial race are lying on their oars, and gathering in their affairs, not knowing what new failures may put their resources to the proof. In this state of things they cannot lend money. Some foreigners have taken asylum among us, with a good deal of money, who may perhaps choose that deposite. Robbins's affair has been under agitation for some days. Livingston made an able speech of two and a half hours yesterday. The advocates of the measure feel it pressure heavily; and though they may be able to repel Livingston's motion of censure, I do not believe they can carry

Bayard's of approbation. The landing of our Envoys at Lisbon will risk a very dangerous consequence, insomuch as the news of Truxton's aggression will perhaps arrive at Paris before our commissioners will. Had they gone directly there, they might have been two months ahead of that news. We are entirely without further information from Paris. By letters from Bordeaux, of December the 7th, tobacco was then from twenty-five to twenty-seven dollars per hundred. Yet did Marshall maintain on the non-intercourse bill, that its price at other markets had never been affected by that law. While the navigating and provision States, who are the majority, can keep open all the markets, or at least sufficient ones for their objects, the cries of the tobacco-makers, who are the minority, and not at all in favor, will hardly be listened to. It is truly the fable of the monkey pulling the nuts out of the fire with the cat's paw; and it shows that G. Mason's proposition in the convention was wise, that on laws regulating commerce, two thirds of the votes should be requisite to pass them. However, it would have been trampled under foot by a triumphant majority.

March 8. My letter has lain by me till now, waiting Mr. Trist's departure. The question has been decided to-day on Livingston's motion respecting Robbins; thirty-five for it, about sixty against it. Livingston, Nicholas, and Gallatin distinguished themselves on one side, and J. Marshall greatly on the other. Still it is believed they will not push Bayard's motion of approbation. We have this day also decided in Senate on the motion for overhauling the editor of the Aurora. It was carried, as usual, by about two to one; H. Marshall voting of course with them, as did, and frequently does * * * of * * * , who is perfectly at market. It happens that the other party are so strong, that they do not think either him or * * * worth buying. As the conveyance is confidential, I can say something on a subject which, to those who do not know my real dispositions respecting it, might seem indelicate. The federalists begin to be very seriously alarmed about their election next fall. Their speeches in private, as well as their public and private demeanor to me, indicate it strongly. This seems to be the prospect. Keep out Pennsylvania, Jersey, and New York, and the rest of the States are about equally divided; and in this estimate it is supposed that North Carolina and Maryland added together are equally divided. Then the event depends on the three middle States before mentioned. As to them, Pennsylvania passes no law for an election at the present session. They confide that the next election gives a decided majority in the two houses when joined together.

McKean, therefore, intends to call the legislature to meet immediately after the new election, to appoint electors themselves. Still you will be sensible there may arise a difficulty between the two Houses about voting by heads or by Houses. The republican members here from Jersey are entirely confident that their two Houses, joined together, have a majority of republicans; their Council being republican by six or eight votes, and the lower House federal by only one or two; and they have no doubt the approaching election will be in favor of the republicans. They appoint electors by the two Houses voting together. In New York all depends on the success of the city election, which is of twelve members, and of course makes a difference of twenty-four, which is sufficient to make the two Houses, joined together, republican in their vote. Governor Clinton, General Gates, and some other old revolutionary characters, have been put on the republican ticket. Burr, Livingston, &c. entertain no doubt on the event of that election. Still these are the ideas of the republicans only in these three States, and we must make great allowance for their sanguine views. Upon the whole, I consider it as rather more doubtful than the last election, in which I was not deceived in more than a vote or two. If Pennsylvania votes, then either Jersey or New York giving a republican vote, decides the election. If Pennsylvania does not vote, then New York determines the election. In any event, we may say that if the *city* election of New York is in favor of the republican ticket, the issue will be republican; if the federal ticket for the city of New York prevails, the probabilities will be in favor of a federal issue, because it would then require a republican vote both from Jersey and Pennsylvania to preponderate against New York, on which we could not count with any confidence. The election of New York being in April, it becomes an early and interesting object. It is probable the landing of our Envoys in Lisbon will add a month to our session; because all that the eastern men are anxious about, is to get away before the possibility of a treaty's coming in upon us.

Present my respectful salutations to Mrs. Madison, and be assured of my constant and affectionate esteem,

TH: JEFFERSON.

LETTER CCLIX.

TO JAMES MADISON.

Philadelphia, May 12, 1800.

DEAR SIR,

Congress will rise to-day or to-morrow. Mr. Nicholas proposing to call on you, you will get from him the Congressional news. On the whole, the federalists have not been able to carry a single strong measure in the lower House the whole session. When they met, it was believed they had a majority of twenty; but many of these were new and moderate men, and soon saw the true character of the party to which they had been well disposed while at a distance. The tide, too, of public opinion sets so strongly against the federal proceedings, that this melted off their majority, and dismayed the heroes of the party. The Senate alone remained undismayed to the last. Firm to their purposes, regardless of public opinion, and more disposed to coerce than to court it, not a man of their majority gave way in the least; and on the election bill they *adhered* to John Marshall's amendment, by their whole number; and if there had been a full Senate, there would have been but eleven votes against it, which include H. Marshall, who has voted with the republicans this session. * * * *

* * * * * * * * * *

Accept assurances of constant and affectionate esteem to Mrs. Madison and yourself from, Dear Sir, your sincere friend and servant,

TH: JEFFERSON.

LETTER CCLX.

TO GIDEON GRANGER.

Monticello, August 13, 1800.

DEAR SIR,

I received with great pleasure your favor of June the 4th, and am much comforted by the appearance of a change of opinion in your State; for though we may obtain, and I believe shall obtain a majority in the legislature of the United States, attached to the preservation of the federal constitution according to its obvious principles, and those on which it was known to be received; attached equally to the preservation to the States of those rights unquestionably remaining with them; friends to the freedom of religion, freedom of the press, trial by jury, and to economical government; opposed to standing armies, paper systems, war, and all connection, other than commerce, with any foreign nation; in short, a majority firm in all those principles which we have espoused and the federalists have opposed uniformly; still, should the whole body of New England continue in opposition to these principles of government, either knowingly or through delusion, our government will be a very uneasy one. It can never be harmonious and solid, while so respectable a portion of its citizens support principles which go directly to a change of the federal constitution, to sink the State governments, consolidate them into one, and to monarchize that. Our country is too large to have all its affairs directed by a single government. Public servants at such a distance, and from under the eye of their constituents, must, from the circumstance of distance, be unable to administer and overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste. And I do verily believe, that if the principle were to prevail, of a common law being in force in the United States, (which principle possesses the General Government at once of all the powers of the State governments, and reduces us to a single consolidated government) it would become the most corrupt government on the earth. You have seen the practices by which the public servants have been able to cover their conduct, or, where that could not be done, delusions by which they have varnished it for the eye of their constituents. What an augmentation of the field for jobbing, speculating, plundering, office-building, and office-hunting would be produced by an assumption of all the State powers into the hands of the General Government. The true theory of our constitution is surely the wisest and best, that the States are independent as to every thing within themselves, and united as to every thing respecting foreign nations. Let the General Government be reduced to foreign concerns only, and let our affairs be disentangled from those of all other nations, except as to commerce, which the merchants will manage the better, the more they are left free to manage for themselves, and our General Government may be reduced to a very simple organization, and a very unexpensive one; a few plain duties to be performed by a few servants. But I repeat, that this simple and economical mode of government can never be secured, if the New England States continue to support the contrary system. I rejoice, therefore, in every appearance of their returning to those principles which I had always imagined to be almost innate in them. In this State, a few persons were deluded by the X. Y. Z. duperies. You saw the effect of it in our last Congressional representatives, chosen under their influence. This experiment on their credulity is now seen into, and our next representation will be as republican as it has heretofore been. On the whole, we hope, that by a part of the Union having held on to the principles of the constitution, time has been given to the States to recover from the temporary phrenzy into which they had been decoyed, to rally round the constitution, and to rescue it from the destruction with which it had been threatened even at their own hands. I see copied from the American Magazine two numbers of a paper signed Don Quixote, most excellently adapted to introduce the real truth to the minds even of the most prejudiced.

I would, with great pleasure, have written the letter you desired in behalf of your friend, but there are existing circumstances which render a letter from me to that magistrate as improper as it would be unavailing. I shall be happy, on some more fortunate occasion, to prove to you my desire of serving your wishes.

I some time ago received a letter from a Mr. M'Gregory of Derby, in your State; it is written with such a degree of good sense and appearance of candor, as entitles it to an answer. Yet the writer being entirely unknown to me, and the stratagems of the times very multifarious, I have thought it best to avail myself of your friendship, and enclose the answer to you. You will see its nature. If you find from the character of the person to whom it is addressed, that no improper use would probably be made of it, be so good as to seal and send it. Otherwise suppress it.

How will the vote of your State and Rhode Island be as to A. and P.?

I am, with great and sincere esteem, Dear Sir, your friend and servant,
TH: JEFFERSON.

LETTER CCLXI.

TO URIAH M'GREGORY.

Monticello, August 13, 1800.

SIR,

Your favor of July the 19th has been received, and received with the tribute of respect due to a person, who, unurged by motives of personal friendship or acquaintance, and unaided by particular information, will so far exercise his justice as to advert to the proofs of approbation given a public character by his own State and by the United States, and weigh them in the scale against the fatherless calumnies he hears uttered against him. These public acts are known even to those who know nothing of my private life, and surely are better evidence to a mind disposed to truth, than slanders which no man will affirm on his own knowledge, or ever saw one who would. From the moment that a portion of my fellow-citizens looked towards me with a view to one of their highest offices, the floodgates of calumny have been opened upon me; not where I am personally known, where their slanders would be instantly judged and suppressed, from a general sense of their falsehood; but in the remote parts of the Union, where the means of detection are not at hand, and the trouble of an inquiry is greater than would suit the hearers to undertake. I know that I might have filled the courts of the United States with actions for these slanders, and have ruined perhaps many persons who are not innocent. But this would be no equivalent to the loss of character. I leave them, therefore, to the reproof of their own consciences. If these do not condemn them, there will yet come a day when the false witness will meet a judge who has not slept over his slanders. If the reverend Cotton Mather Smith of Shena believed this as firmly as I do, he would surely never have affirmed that 'I had obtained my property by fraud and robbery; that in one instance I had defrauded and robbed a widow and fatherless children of an estate to which I was executor, of ten thousand pounds sterling, by keeping the property and paying them in money at the nominal rate, when it was worth no more than forty for one: and that all this could be proved.' Every tittle of it is fable; there not having existed a single circumstance of my life to which any part of it can hang. I never was executor but in two instances, both of which having taken place about the beginning of the revolution, which withdrew me immediately from all private pursuits, I never meddled in either executorship. In one of the cases only, were there a widow and children. She was my sister. She retained and managed the estate in her own hands, and no part of it was ever in mine. In the other, I was a coparcener, and only received on a division the equal portion allotted me. To neither of these executorships, therefore, could Mr. Smith refer. Again, my property is all patrimonial, except about seven or eight hundred pounds' worth of lands, purchased by myself and paid for, not to widows and orphans, but to the very gentleman from whom I purchased. If Mr. Smith, therefore, thinks the precepts of the Gospel intended for those who preach them as well as for others, he will doubtless some day feel the duties of repentance, and of acknowledgment in such forms as to correct the wrong he has done. Perhaps he will have to wait till the passions of the moment have passed away. All this is left to his own conscience.

These, Sir, are facts, well known to every person in this quarter, which I have committed to paper for your own satisfaction, and that of those to whom you may choose to mention them. I only pray that my letter may not go out of your own hands, lest it should get into the newspapers, a bear-garden scene into which I have made it a point to enter on no provocation.

I am, Sir, your most obedient, humble servant,

TH: JEFFERSON.

LETTER CCLXII.

TO DOCTOR RUSH.

Monticello, September 23, 1800.

DEAR SIR,

I have to acknowledge the receipt of your favor of August the 22nd, and to congratulate you on the healthiness of your city. Still Baltimore, Norfolk, and Providence admonish us that we are not clear of our new scourge. When great evils happen, I am in the habit of looking out for what good may arise from them as consolations to us, and Providence has in fact so established the order of things, as that most evils are the means of producing some good. The yellow fever will discourage the growth of great cities in our nation, and I view great cities as pestilential to the morals, the health, and the liberties of man. True, they nourish some of the elegant arts, but the useful ones can thrive elsewhere, and less perfection in the others, with more health, virtue, and freedom, would be my choice.

I agree with you entirely, in condemning the mania of giving names to objects of any kind after persons still living. Death alone can seal the title of any man to this honor, by putting it out of his power to forfeit it. There is one other mode of recording merit, which I have often thought might be introduced, so as to gratify the living by praising the dead. In giving, for instance, a commission of Chief Justice to Bushrod Washington, it should be in consideration of his integrity, and science in the laws, and of the services rendered to our country by his illustrious relation, &c. A commission to a descendant of Dr. Franklin, besides being in consideration of the proper qualifications of the person, should add, that of the great services rendered by his illustrious ancestor, Benjamin Franklin, by the advancement of science, by inventions useful to man, &c. I am not sure that we ought to change all our names. And, during the regal government, sometimes indeed they were given through adulation; but often also as the reward of the merit of the times, sometimes for services rendered the colony. Perhaps, too, a name when given, should be deemed a sacred property.

I promised you a letter on Christianity, which I have not forgotten. On the contrary, it is because I have reflected on it, that I find much more time necessary for it than I can at present dispose of. I have a view of the subject which ought to displease neither the rational Christian nor Deist, and would reconcile many to a character they have too hastily rejected. I do not know that it would reconcile the *genus irritabile vatum*, who are all in arms against me. Their hostility is on too interesting ground to be softened. The delusion into which the X. Y. Z. plot showed it possible to push the people; the successful experiment made under the prevalence of that delusion on the clause of the constitution, which, while it secured the freedom of the press, covered also the freedom of religion, had given to the clergy a very favorite hope of obtaining an establishment of a particular form of Christianity through the United States; and as every sect believes its own form the true one, every one perhaps hoped for his own, but especially the Episcopalians and Congregationalists. The returning good sense of our country threatens abortion to their hopes, and they believe that any portion of power confided to me, will be exerted in opposition to their schemes. And they believe rightly: for I have sworn, upon the altar of God, eternal hostility against every form of tyranny over the mind of man. But this is all they have to fear from me: and enough too in their opinion. And this is the cause of their printing lying pamphlets against me, forging conversations for me with Mazzei, Bishop Madison, &c. which are absolute falsehoods without a circumstance of truth to rest on; falsehoods, too, of which I acquit Mazzei and Bishop Madison, for they are men of truth.

But enough of this: it is more than I have before committed to paper on the subject of all the lies which have been preached and printed against me. I have not seen the work of Sonnini which you mention, but I have seen another work on Africa, Park's, which I fear will throw cold-water on the hopes of the friends of freedom. You will hear an account of an attempt at insurrection in this state. I am looking with anxiety to see what will be its effect on our State. We are truly to be pitied. I fear we have little chance to see you at the federal city or in Virginia, and as little at Philadelphia. It would be a great treat to receive you here. But nothing but sickness could effect that; so I do not wish it. For I wish you health and happiness, and think of you with affection. Adieu.

TH: JEFFERSON.

LETTER CCLXIII.

TO ROBERT R. LIVINGSTON.

Washington, December 14, 1800.

DEAR SIR,

Your former communications on the subject of the steam-engine, I took the liberty of laying before the American Philosophical Society, by whom they will be printed in their volume of the present year. I have heard of the discovery of some large bones, supposed to be of the mammoth, at about thirty or forty miles distance from you: and among the bones found, are said to be some which we have never yet been able to procure. The first interesting question is, whether they are the bones of the mammoth? The second, What are the particular bones, and could I possibly procure them? The bones I am most anxious to obtain, are those of the head and feet, which are said to be among those found in your State, as also the *ossa innominata*, and *scapula*. Others would also be interesting, though similar ones may be possessed, because they would show by their similarity that the set belong to the mammoth. Could I so far venture to trouble you on this subject, as to engage some of your friends, near the place, to procure for me the bones above mentioned? If they are to be bought, I will gladly pay for them whatever you shall agree to as reasonable; and will place the money in New York as instantaneously after it is made known to me, as the post can carry it, as I will all expenses of package, transportation, &c. to New York and Philadelphia, where they may be addressed to John Barnes, whose agent (he not being on the spot) will take care of them for me.

But I have still a more important subject whereon to address you. Though our information of the votes of the several States be not official, yet they are stated on such evidence as to satisfy both parties that the republican vote has been successful. We may, therefore, venture to hazard propositions on that hypothesis, without being justly subjected to raillery or ridicule. The constitution, to which we are all attached, was meant to be republican, and we believe to be republican according to every candid interpretation. Yet we have seen it so interpreted and administered, as to be truly what the French have called it, a *monarchie masqué.* Yet so long has the vessel run on this way and been trimmed to it, that to put her on her republican tack will require all the skill, the firmness, and the zeal of her ablest and best friends. It is a crisis which calls on them to sacrifice all other objects, and repair to her aid in this momentous operation. Not only their skill is wanting, but their names also. It is essential to assemble in the outset persons to compose our administration, whose talents, integrity, and revolutionary name and principles may inspire the nation, at once, with unbounded confidence, and impose an awful silence on all the maligners of republicanism; as may suppress in embryo the purpose avowed by one of their most daring and effective chiefs, of beating down the administration. These names do not abound at this day. So few are they, that yours, my friend, cannot be spared among them without leaving a blank which cannot be filled. If I can obtain for the public the aid of those I have contemplated, I fear nothing. If this cannot be done, then are we unfortunate indeed! We shall be unable to realize the prospects which have been held out to the people, and we must fall back into monarchism, for want of heads, not hands, to help us out of it. This is a common cause, my dear Sir, common to all republicans. Though I have been too honorably placed in front of those who are to enter the breach so happily made, yet the energies of every individual are necessary, and in the very place where his energies can most serve the enterprise. I can assure you that your colleagues will be most acceptable to you; one of them, whom you cannot mistake, peculiarly so. The part which circumstances constrain us to propose to you, is the secretaryship of the navy. These circumstances cannot be explained by letter. Republicanism is so rare in those parts which possess nautical skill, that I cannot find it allied there to the other qualifications. Though you are not nautical by profession, yet your residence and your mechanical science qualify you as well as a gentleman can possibly be, and sufficiently to enable you to choose under-agents perfectly qualified, and to superintend their conduct. Come forward then, my dear Sir, and give us the aid of your talents and the weight of your character towards the new establishment of republicanism; I say, for its new establishment; for hitherto, we have seen only its *travestie.* I have urged thus far, on the belief that your present office would not be an obstacle to this proposition. I was informed, and I think it was by your brother, that you wished to retire from it, and were only restrained by the fear that a successor of different principles might be appointed. The late change in your council of appointment will remove this fear. It will not be improper to say a word on the subject of expense. The gentlemen who composed General Washington's first administration took up, too universally, a practice of general entertainment, which was unnecessary, obstructive of business, and so oppressive to themselves, that it was among the motives for their retirement. Their successors profited from the experiment, and lived altogether as private individuals, and so have ever continued to do. Here, indeed, it cannot be otherwise, our situation being so rural, that during the vacations of the legislature we shall have no society but of the officers of government, and in time of sessions the legislature is become and becoming so numerous, that for the last half dozen years nobody but the President has pretended to entertain them. I have been led to make the application before official knowledge of the result of our election, because the return of Mr. Van Benthuysen, one of your electors and neighbors, offers me a safe conveyance, at a moment when the post-offices will be peculiarly suspicious and prying. Your answer may come by post without danger, if directed in some other hand-writing than your own: and I will pray you to give me an answer as soon as you can make up your mind.

Accept assurances of cordial esteem and respect, and my friendly salutations.

TH: JEFFERSON.

LETTER CCLXIV.

TO COLONEL BURR.

Washington, December 15, 1800.

DEAR SIR,

Although we have not official information of the votes for President and Vice-President, and cannot have until the first week in February, yet the state of the votes is given on such evidence, as satisfies both parties that the two republican candidates stand highest. From South Carolina we have not even heard of the actual vote; but we have learned who were appointed electors, and with sufficient certainty how they would vote. It is said they would withdraw from yourself one vote. It has also been said that a General Smith, of Tennessee, had declared he would give his second vote to Mr. Gallatin, not from any indisposition towards you, but extreme reverence to the character of Mr. Gallatin. It is also surmised that the vote of Georgia will not be entire. Yet nobody pretends to know these things of a certainty, and we know enough to be certain that what it is surmised will be withheld, will still leave you four or five votes at least above Mr. Adams. However, it was badly managed not to have arranged with certainty what seems to have been left to hazard. It was the more material, because I understand several of the high-flying federalists have expressed their hope that the two republican tickets may be equal, and their determination in that case to prevent a choice by the House of Representatives (which they are strong enough to do) and let the government devolve on a President of the Senate. Decency required that I should be so entirely passive during the late contest, that I never once asked whether arrangements had been made to prevent so many from dropping votes intentionally, as might frustrate half the republican wish; nor did I doubt, till lately, that such had been made.

While I must congratulate you, my dear Sir, on the issue of this contest, because it is more honorable, and doubtless more grateful to you than any station within the competence of the chief magistrate, yet for myself, and for the substantial service of the public, I feel most sensibly the loss we sustain of your aid in our new administration. It leaves a chasm in my arrangements, which cannot be adequately filled up. I had endeavored to compose an administration, whose talents, integrity, names, and dispositions, should at once inspire unbounded confidence in the public mind, and insure a perfect harmony in the conduct of the public business. I lose you from the list, and am not sure of all the others. Should the gentlemen who possess the public confidence decline taking a part in their affairs, and force us to take persons unknown to the people, the evil genius of this country may realize his avowal that 'he will beat down the administration.' The return of Mr. Van Benthuysen, one of your electors, furnishes me a confidential opportunity of writing this much to you, which I should not have ventured through the post-office at this prying season. We shall of course see you before the fourth of March. Accept my respectful and affectionate salutations.

Th: Jefferson.

LETTER CCLXV.

TO JUDGE BRECKENRIDGE.

Washington, December 18, 1800.

Dear Sir,

I received, while at home, the letter you were so kind as to write me. The employments of the country have such irresistible attractions for me, that while I am at home I am not very punctual in acknowledging the letters of my friends. Having no refuge here from my room and writing-table, it is my regular season for fetching up the lee-way of my correspondence.

Before you receive this, you will have understood that the State of South Carolina (the only one about which there was uncertainty) has given a republican vote, and saved us from the consequences of the annihilation of Pennsylvania. But we are brought into dilemma by the probable equality of the two republican candidates, The federalists in Congress mean to take advantage of this, and either to prevent an election altogether, or reverse what has been understood to have been the wishes of the people as to the President and Vice-President; wishes which the constitution did not permit them specially to designate. The latter alternative still gives us a republican administration; the former, a suspension of the federal government, for want of a head. This opens to us an abyss at which every sincere patriot must shudder. General Davie has arrived here with the treaty formed (under the name of a convention) with France. It is now before the Senate for ratification, and will encounter objections. He believes firmly that a continental peace in Europe will take place, and that England also may be comprehended.

Accept assurances of the great respect of, Dear Sir, your most obedient servant,

Th: Jefferson.

LETTER CCLXVI.

TO JAMES MADISON.

Washington, December 19, 1800.

Dear Sir,

Mrs. Brown's departure for Virginia enables me to write confidentially what I could not have ventured by the post at this prying season. The election in South Carolina has in some measure decided the great contest. Though as yet we do not know the actual votes of Tennessee, Kentucky, and Vermont, yet we believe the votes to be on the whole, J. seventy-three, B. seventy-three, A. sixty-five, P. sixty-four. Rhode Island withdrew one from P. There is a possibility that Tennessee may withdraw one from B., and Burr writes that there may be one vote in Vermont for J. But I hold the latter impossible, and the former not probable; and that there will be an absolute parity between the two republican candidates. This has produced great dismay and gloom on the republican gentlemen here, and exultation in the federalists, who openly declare they will prevent an election, and will name a President of the Senate, *pro tem.* by what they say would only be a *stretch* of the constitution. The prospect of preventing this, is as follows. Georgia, North Carolina, Tennessee, Kentucky, Vermont, Pennsylvania, and New York, can be counted on for their vote in the House of Representatives, and it is thought by some, that Baer of Maryland, and Linn of New Jersey will come over. Some even count on Morris of Vermont. But you must know the uncertainty of such a dependence under the operation of caucuses and other federal engines. The month of February, therefore, will present us storms of a new character. Should they have a particular issue, I hope you will be here a day or two, at least, before the 4th of March. I know that your appearance on the scene before the departure of Congress, would assuage the minority, and inspire in the majority confidence and joy unbounded, which they would spread far and wide on their journey home. Let me beseech you then to come with a view of staying perhaps a couple of weeks, within which time things might be put into such a train, as would permit us both to go home for a short time, for removal. I wrote to R. R. L. by a confidential hand three days ago. The person proposed for the Treasury has not come yet.

Davie is here with the convention, as it is called; but it is a real treaty, and without limitation of time. It has some disagreeable features, and will endanger the compromitting us with Great Britain. I am not at liberty to mention its contents, but I believe it will meet with opposition from both sides of the House. It has been a bungling negotiation. Ellsworth remains in France for his health. He has resigned his office of Chief Justice. Putting these two things together, we cannot misconstrue his views. He must have had great confidence in Mr. Adams's continuance to risk such a certainty as he held. Jay was yesterday nominated Chief Justice. We were afraid of something worse. A scheme of government for the territory is cooking by a committee of each House, under separate authorities, but probably a voluntary harmony. They let out no hints. It is believed that the judiciary system will not be pushed, as the appointments, if made by the present administration, could not fall on those who create them. But I very much fear the road system will be urged. The mines of Peru would not supply the monies which would be wasted on this object, nor the patience of any people stand the abuses which would be incontrollably committed under it. I propose, as soon as the state of the election is perfectly ascertained, to aim at a candid understanding with Mr. Adams. I do not expect that either his feelings or his views of interest will oppose it. I hope to induce in him dispositions liberal and accommodating. Accept my affectionate salutations.

TH: JEFFERSON.

LETTER CCLXVII.

TO JAMES MADISON.

Washington, December 26, 1800.

DEAR SIR,

All the votes have now come in, except of Vermont and Kentucky, and there is no doubt that the result is a perfect parity between the two republican characters. The federalists appear determined to prevent an election, and to pass a bill giving the government to Mr. Jay, appointed Chief Justice, or to Marshall as Secretary of State. Yet I am rather of opinion that Maryland and Jersey will give the seven republican majorities. The French treaty will be violently opposed by the federalists; the giving up the vessels is the article they cannot swallow. They have got their judiciary bill forwarded to commitment. I dread this above all the measures meditated, because appointments in the nature of free-hold render it difficult to undo what is done. We expect a report for a territorial government which is to pay little respect to the rights of man.

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Cordial and affectionate salutations. Adieu.

TH: JEFFERSON.

LETTER CCLXVIII.

TO COLONEL BURR.

Washington, February 1, 1801.

DEAR SIR,

It was to be expected that the enemy would endeavor to sow tares between us, that they might divide us and our friends. Every consideration satisfies me you will be on your guard against this, as I assure you I am strongly. I hear of one stratagem so imposing and so base, that it is proper I should notice it to you. Mr. Munford, who is here, says he saw at New York before he left it, an original letter of mine to Judge Breckenridge, in which are sentiments highly injurious to you. He knows my hand-writing, and did not doubt that to be genuine. I enclose you a copy taken from the press copy of the only letter I ever wrote to Judge Breckenridge in my life: the press copy itself has been shown to several of our mutual friends here. Of consequence the letter seen by Mr. Munford must be a forgery, and if it contains a sentiment unfriendly or disrespectful to you, I affirm it solemnly to be a forgery; as also if it varies from the copy enclosed. With the common trash of slander I should not think of troubling you; but the forgery of one's hand-writing is too imposing to be neglected. A mutual knowledge of each other furnishes us with the best test of the contrivances which will be practised by the enemies of both.

Accept assurances of my high respect and esteem.

TH: JEFFERSON.

LETTER CCLXIX.

TO GOVERNOR M'KEAN.

Washington, February 2, 1801.

Dear Sir,

I have long waited for an opportunity to acknowledge the receipt of your favor of December the 15th, as well as that by Dr. Mendenhall. None occurring, I shall either deliver the present to General Muhlenburg or put it under cover to Dr. Wistar, to whom I happen to be writing, to be sent to your house in Philadelphia, or forwarded confidentially to Lancaster.

The event of the election is still *in dubio*. A strong portion in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom coming over to the republican vote will make a ninth state. Till this is known, it is too soon for me to say what should be done in such atrocious cases as those you mention of federal officers obstructing the operation of the State governments. One thing I will say, that as to the future, interferences with elections, whether of the State or General Government, by officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing, if it may be smothered by the enormous patronage of the General Government. How far it may be practicable, prudent, or proper, to look back, is too great a question to be decided but by the united wisdom of the whole administration when formed. Our situation is so different from yours, that it may render proper some differences in the practice. Your State is a single body, the majority clearly one way. Ours is of sixteen integral parts, some of them all one way, some all the other, some divided. Whatever my be decided as to the past, they shall give no trouble to the State governments in future, if it shall depend on me; and be assured, particularly as to yourself, that I should consider the most perfect harmony and interchange of accommodations and good offices with those governments as among the first objects.

Accept assurances of my high consideration, respect, and esteem.

Th: Jefferson.

LETTER CCLXX.

TO TENCH COXE.

Washington, February 11, 1801.

Dear Sir,

Your favor of January the 25th came to hand some days ago, and yesterday a gentleman put into my hand, at the door of the Senate chamber, the volume of the American Museum for 1798. As no letter accompanied it, I took it for granted it was to bring under my eye some of its contents. I have gone over it with satisfaction.

This is the morning of the election by the House of Representatives. For some time past a single individual had declared he would by his vote make up the ninth State. On Saturday last he changed, and it stands at present eight one way, six the other, and two divided. Which of the two will be elected, and whether either, I deem perfectly problematical: and my mind has long been equally made up for either of the three events. If I can find out the person who brought me the volume for you, I shall return it by him, because I presume it makes one of a set. If not by him, I will find some other person who may convey it to Philadelphia if not to Lancaster. Very possibly it may go by a different conveyance from this letter. Very probably you will learn before the receipt of either, the result, or progress at least, of the election. We see already at the threshold, that if it falls on me, I shall be embarrassed by finding the offices vacant, which cannot be even temporarily filled but with advice of Senate, and that body is called on the fourth of March, when it is impossible for the new members of Kentucky, Georgia, and South Carolina to receive notice in time to be here. The summons for Kentucky, dated, as all were, January the 31st, could not go hence till the 5th, and that for Georgia did not go till the 6th. If the difficulties of the election, therefore, are got over, there are more and more behind, until new elections shall have regenerated the constituted authorities. The defects of our constitution under circumstances like the present, appear very great. Accept assurances of the esteem and respect of, Dear Sir, your most obedient servant,

Th: Jefferson.

LETTER CCLXXI.

TO JAMES MONROE.

Washington, February 15, 1801.

Dear Sir,

I have received several letters from you which have not been acknowledged. By the post I dare not, and one or two confidential opportunities have passed me by surprise. I have regretted it the less, because I know you could be more safely and fully informed by others. Mr. Tyler, the bearer of this, will give you a great deal more information personally than can be done by letter. Four days of balloting have produced not a single change of a vote. Yet it is confidently believed by most that to-morrow there is to be a coalition. I know of no foundation for this belief. However, as Mr. Tyler waits the event of it, he will communicate it to you. If they could have been permitted to pass a law for putting the government into the hands of an officer, they would certainly have prevented an election. But we thought it best to declare openly and firmly, one and all, that the day such an act passed, the middle States would arm, and that no such usurpation, even for a single day, should be submitted to. This first shook them; and they were completely alarmed at the resource for which we declared, to wit, a convention to re-organize the government, and to amend it. The very word *convention* gives them the horrors, as in the present democratical spirit of America, they fear they should lose some of the favorite morsels of the constitution. Many attempts have been made to obtain terms and promises from me. I have declared to them unequivocally, that I would not receive the government on capitulation, that I would not go into it with my hands tied. Should they yield the election, I have reason to expect in the outset the greatest difficulties as to nominations. The late incumbents running away from their offices and leaving them vacant, will prevent my filling them without the *previous* advice of Senate. How this difficulty is to be got over I know not. Accept for Mrs. Monroe and yourself my affectionate salutations. Adieu.

Th: Jefferson.

LETTER CCLXXII.

TO JAMES MADISON.

Washington, February 18, 1801.

Dear Sir,

Notwithstanding the suspected infidelity of the post, I must hazard this communication. The minority of the House of Representatives, after seeing the impossibility of electing Burr, the certainty that a legislative usurpation would be resisted by arms, and a recourse to a convention to re-organize and amend the government, held a consultation on this dilemma, whether it would be better for them to come over in a body and go with the tide of the times, or by a negative conduct suffer the election to be made by a bare majority, keeping their body entire and unbroken, to act in phalanx on such ground of opposition as circumstances shall offer: and I know their determination on this question only by their vote of yesterday. Morris of Vermont withdrew, which made Lyon's vote that of his State. The Maryland federalists put in four blanks, which made the positive ticket of their colleagues the vote of the State. South Carolina and Delaware put in six blanks. So there were ten states for one candidate, four for another, and two blanks. We consider this, therefore, as a declaration of war, on the part of this band. But their conduct appears to have brought over to us the whole body of federalists, who, being alarmed with the danger of a dissolution of the government, had been made most anxiously to wish the very administration they had opposed, and to view it when obtained, as a child of their own. * * * * * * * Mr. A. embarrasses us. He keeps the offices of State and War vacant, but has named Bayard Minister Plenipotentiary to France, and has called an unorganized Senate to meet the fourth of March. As you do not like to be here on that day, I wish you would come within a day or two after. I think that between that and the middle of the month we can so far put things under way, as that we may go home to make arrangements for our final removal. Come to Conrad's, where I will bespeak lodgings for you. Yesterday Mr. A. nominated Baynard to be Minister Plenipotentiary of the United States to the French republic; to-day, Theophilus Parsons, Attorney General of the United States in the room of C. Lee, who, with Keith Taylor *cum multis aliis*, are appointed judges under the new system. H. G. Otis is nominated a District

Attorney. A vessel has been waiting for some time in readiness to carry the new Minister to France. My affectionate salutations to Mrs. Madison.

TH : JEFFERSON.

LETTER CCLXXIII.

TO JOHN DICKINSON.

Washington, March 6, 1801.

DEAR SIR,

No pleasure can exceed that which I received from reading your letter of the 21st ultimo. It was like the joy we expect in the mansions of the blessed, when received with the embraces of our forefathers, we shall be welcomed with their blessing as having done our part not unworthily of them. The storm through which we have passed, has been tremendous indeed. The tough sides of our Argosie have been thoroughly tried. Her strength has stood the waves into which she was steered, with a view to sink her. We shall put her on her republican tack, and she will now show by the beauty of her motion the skill of her builders. Figure apart, our fellow-citizens have been led hood-winked from their principles by a most extraordinary combination of circumstances. But the band is removed, and they now see for themselves. I hope to see shortly a perfect consolidation, to effect which, nothing shall be spared on my part, short of the abandonment of the principles of our revolution. A just and solid republican government maintained here, will be a standing monument and example for the aim and imitation of the people of other countries; and I join with you in the hope and belief that they will see, from our example, that a free government is of all others the most energetic; that the inquiry which has been excited among the mass of mankind by our revolution and its consequences, will ameliorate the condition of man over a great portion of the globe. What a satisfaction have we in the contemplation of the benevolent effects of our efforts, compared with those of the leaders on the other side, who have discountenanced all advances in science as dangerous innovations, have endeavored to render philosophy and republicanism terms of reproach, to persuade us that man cannot be governed but by the rod, &c. I shall have the happiness of living and dying in the contrary hope. Accept assurances of my constant and sincere respect and attachment, and my affectionate salutations.

Th : Jefferson.

LETTER CCLXXIV.

TO COLONEL MONROE.

Washington, March 7, 1801.

Dear Sir,

I had written the enclosed letter to Mrs. Trist, and was just proceeding to begin one to you, when your favor of the 6th was put into my hands. I thank you sincerely for it, and consider the views of it so sound, that I have communicated it to my coadjutors as one of our important evidences of the public sentiment, according to which we must shape our course. I suspect, partly from this, but more from a letter of J. Taylor's which has been put into my hands, that an incorrect idea of my views has got abroad. I am in hopes my inaugural address will in some measure set this to rights, as it will present the leading objects to be conciliation and adherence to sound principle. This I know is impracticable with the leaders of the late faction, whom I abandon as incurables, and will never turn an inch out of my way to reconcile them. But with the main body of the federalists, I believe it very practicable. You know that the manœuvres of the year X. Y. Z. carried over from us a great body of the people, real republicans, and honest men under virtuous motives. The delusion lasted a while. At length the poor arts of tub-plots, &c. were repeated till the designs of the party became suspected. From that moment those who had left us began to come back. It was by their return to us that we gained the victory in November, 1800, which we should not have gained in November, 1799. But during the suspension of the public mind from the 11th to the 17th of February, and the anxiety and alarm lest there should be no election, and anarchy ensue, a wonderful effect was produced on the mass of federalists who had not before come over. Those who had before become sensible of their error in the former change, and only wanted a decent excuse for coming back, seized that occasion for doing so. Another body, and a large one it is, who from timidity of constitution had gone with those who wished for a strong executive, were induced by the same timidity to come over to us rather than risk anarchy: so that, according to the evidence we receive from every direction, we may say that the whole of that portion of the people which were called federalists, were made to desire anxiously the very event they had just before opposed with all their energies, and to receive the election which was made, as an object of their earnest wishes, a child of their own. These people (I always exclude their leaders) are now aggregated with us, they look with a certain degree of affection and confidence to the administration, ready to become attached to it, if it avoids in the outset acts which might revolt and throw them off. To give time for a perfect consolidation seems prudent. I have firmly refused to follow the counsels of those who have desired the giving offices to some of their leaders, in order to reconcile. I have given, and will give, only to republicans, under existing circumstances. But I believe with others, that deprivations of office, if made on the ground of political principles alone, would revolt our new converts, and give a body to leaders who now stand alone. Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Where we shall draw the line between retaining all and none, is not yet settled, and will not be till we get our administration together; and perhaps even then, we shall proceed *à tatons*, balancing our measures according to the impression we perceive them to make.

This may give you a general view of our plan. Should you be in Albemarle the first week in April, I shall have the pleasure of seeing you there, and of developing things more particularly, and of profiting by an intercommunication of views. Dawson sails for France about the 15th, as the *bearer* only of the treaty to Ellsworth and Murray. He has probably asked your commands, and your introductory letters.

Present my respects to Mrs. Monroe, and accept assurances of my high and affectionate consideration and attachment.

TH: JEFFERSON.

LETTER CCLXXV.

TO GOVERNOR M'KEAN.

Washington, March 9, 1801.

DEAR SIR,

I have to acknowledge the receipt of your favor of February the 20th, and to thank you for your congratulations on the event of the election. Had it terminated in the elevation of Mr. Burr, every republican would, I am sure, have acquiesced in a moment; because, however it might have been variant from the intentions of the voters, yet it would have been agreeable to the constitution. No man would more cheerfully have submitted than myself, because I am sure the administration would have been republican, and the chair of the Senate permitting me to be at home eight months in the year, would, on that account, have been much more consonant to my real satisfaction. But in the event of an usurpation, I was decidedly with those who were determined not to permit it. Because that precedent, once set, would be artificially reproduced, and end soon in a dictator. Virginia was bristling up, I believe. I shall know the particulars from Governor Monroe, whom I expect to meet in a short visit I must make home, to select some books, &c. necessary here, and make other domestic arrangements.

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Accept assurances of my high esteem and regard.

TH: JEFFERSON.

LETTER CCLXXVI.

TO JOEL BARLOW.

Washington, March 14, 1801.

DEAR SIR,

Not having my papers here, it is not in my power to acknowledge the receipt of your letters by their dates, but I am pretty certain I have received two in the course of the last twelve months, one of them covering your excellent second letter. Nothing can be sounder than the principles it inculcates, and I am not without hopes they will make their way. You have understood that the revolutionary movements in Europe had, by industry and artifice, been wrought into objects of terror even to this country, and had really involved a great portion of our well-meaning citizens in a panic which was perfectly unaccountable, and during the prevalence of which they were led to support measures the most insane. They are now pretty thoroughly recovered from it, and sensible of the mischief which was done, and preparing to be done, had their minds continued a little longer under that derangement. The recovery bids fair to be complete, and to obliterate entirely the line of party division which had been so strongly drawn. Not that their late leaders have come over, or ever can come over. But they stand, at present, almost without followers. The principal of them have retreated into the judiciary, as a strong hold, the tenure of which renders it difficult to dislodge them. For all the particulars I must refer you to Mr. Dawson, a member of Congress, fully informed and worthy of entire confidence. Give me leave to ask for him your attentions and civilities, and a *verbal* communication of such things on your side the water as you know I feel a great interest in, and as may not with safety be committed to paper. I am entirely unable to conjecture the issue of things with you.

Accept assurances of my constant esteem and high consideration.

TH : JEFFERSON.

LETTER CCLXXVII.

TO THOMAS PAINE.

Washington, March 18, 1801.

DEAR SIR,

Your letters of October the 1st, 4th, 6th, and 16th, came duly to hand, and the papers which they covered were, according to your permission, published in the newspapers and in a pamphlet, and under your own name. These papers contain precisely our principles, and I hope they will be generally recognised here. Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles which we mean to pursue. They have so many other interests different from ours, that we must avoid being entangled in them. We believe we can enforce those principles, as to ourselves, by peaceable means, now that we are likely to have our public councils detached from foreign views. The return of our citizens from the phrenzy into which they had been wrought, partly by ill conduct in France, partly by artifices practised on them, is almost entire, and will, I believe, become quite so. But these details, too minute and long for a letter, will be better developed by Mr. Dawson, the bearer of this, a member of the late Congress, to whom I refer you for them. He goes in the Maryland, a sloop of war, which will wait a few days at Havre to receive his letters, to be written on his arrival at Paris. You expressed a wish to get a passage to this country in a public vessel. Mr. Dawson is charged with orders to the captain of the Maryland to receive and accommodate you with a passage back, if you can be ready to depart at such short warning. Robert R. Livingston is appointed Minister Plenipotentiary to the republic of France, but will not leave this till we receive the ratification of the convention by Mr. Dawson. I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily labored, and with as much effect as any man living. That you may long live to continue your useful labors, and to reap their reward in the thankfulness of nations, is my sincere prayer.

Accept assurances of my high esteem and affectionate attachment.

TH : JEFFERSON.

LETTER CCLXXVIII.

TO M. DE REYNEVAL.

Washington, March 20, 1801.

DEAR SIR,

Mr. Pichon, who arrived two days ago, delivered me your favor of January the 1st, and I had before received one by Mr. Dupont, dated August the 24th, 1799, both on the subject of lands, claimed on behalf of your brother, Mr. Girard, and that of August the 24th containing a statement of the case. I had verbally explained to Mr. Dupont at the time, what I presumed to have been the case, which must, I believe, be very much mistaken in the statement sent with that letter; and I expected he had communicated it to you.

During the regal government, two companies called the Loyal, and the Ohio companies had obtained grants from the crown for eight hundred thousand, or one million of acres of land, each, on the Ohio, on condition of settling them in a given number of years. They surveyed some and settled them; but the war of 1755 came on and broke up the settlements. After it was over they petitioned for a renewal. Four other large companies then formed themselves, called the Mississippi, the Illinois, the Wabash, and the Indiana companies, each praying for immense quantities of land, some amounting to two hundred miles square, so that they proposed to cover the whole country north between the Ohio and Mississippi, and a great portion of what is south. All these petitions were depending, without any answer whatever from the crown, when the revolution war broke out. The petitioners had associated to themselves some of the nobility of England, and most of the characters in America of great influence. When Congress assumed the government, they took some of their body in as partners, to obtain their influence; and I remember to have heard at the time, that one of them took Mr. Girard as a partner, expecting by that to obtain the influence of the French court; to obtain grants of those lands which they had not been able to obtain from the British government. All these lands were within the limits of Virginia, and that State determined peremptorily, that they never should be granted to large companies, but left open equally to all: and when they passed their land law (which I think was in 1778) they confirmed only so much of the lands of the Loyal company as they had actually surveyed, which was a very small proportion, and annulled every other pretension. And when that State conveyed the lands to Congress (which was not till 1784), so determined were they to prevent their being granted to these or any other large companies, that they made it an express condition of the cession, that they should be applied first towards the soldiers' bounties, and the residue sold for the payment of the notional debt, and for no other purpose. This disposition has been, accordingly, rigorously made, and is still going on, and Congress considers itself as having no authority to dispose of them otherwise.

* * * * * * * * *

I sincerely wish, Sir, it had been in my power to have given you a more agreeable account of this claim. But as the case actually is, the most substantial service is to state it exactly, and not to foster false expectations. I remember with great sensibility all the attentions you were so good as to render me while I resided in Paris, and shall be made happy by every occasion which can be given me of acknowledging them, and the expressions of your friendly recollection are particularly soothing to me.

Accept, I pray you, the assurances of my high consideration and constant esteem.

TH: JEFFERSON.

LETTER CCLXXIX.

TO DOCTOR JOSEPH PRIESTLEY.

Washington, March 21, 1801.

DEAR SIR,

I learned some time ago that you were in Philadelphia, but that it was only for a fortnight; and I supposed you were gone. It was not till yesterday I received information that you were still there, had been very ill, but were on the recovery. I sincerely rejoice that you are so. Yours is one of the few lives precious to mankind, and for the continuance of which every thinking man is solicitous. Bigots may be an exception. What an effort, my dear Sir, of bigotry in politics and religion have we gone through. The barbarians really flattered themselves they should be able to bring back the times of Vandalism, when ignorance put every thing into the hands of power and priestcraft. All advances in science were proscribed as innovations. They pretended to praise and encourage education, but it was to be the education of our ancestors. We were to look backwards not forwards for improvement: the President himself declaring in one of his answers to addresses, that we were never to expect to go beyond them in real science. This was the real ground of all the attacks on you: those who live by mystery and *charlatanerie*, fearing you would render them useless by simplifying the Christian philosophy, the most sublime and benevolent but most perverted system that ever shone on man, endeavored to crush your well-earned and well-deserved fame. But it was the Lilliputians upon Gulliver. Our countrymen have recovered from the alarm into which art and industry had thrown them; science and honesty are replaced on their high ground; and you, my dear Sir, as their great apostle, are on its pinnacle. It is with heartfelt satisfaction that, in the first moments of my public action, I can hail you with welcome to our land, tender to you the homage of its respect and esteem, cover you under the protection of those laws which were made for the wise and good like you, and disclaim the legitimacy of that libel on legislation, which under the form of a law was for some time placed among them.*

As the storm is now subsiding and the horizon becoming serene, it is pleasant to consider the phenomenon with attention. We can no longer say there is nothing new under the sun. For this whole chapter in the history of man is new. The great extent of our republic is new. Its sparse habitation is new. The mighty wave of public opinion which has rolled over it is new. But the most pleasing novelty is, its so quietly subsiding over such an extent of surface to its true level again. The order and good sense displayed in this recovery from delusion, and in the momentous crisis which lately arose, really bespeak a strength of character in our nation which augurs well for the duration of our republic: and I am much better satisfied now of its stability, than I was before it was tried. I have been above all things solaced by the prospect which opened on us, in the event of a non-election of a President; in which case, the federal government would have been in the situation of a clock or watch run down. There was no idea of force, nor of any occasion for it. A convention, invited by the republican members of Congress with the virtual President and Vice-President, would have been on the ground in eight weeks, would have repaired the constitution where it was defective, and wound it up again. This peaceable and legitimate resource, to which we are in the habit of implicit obedience, superseding all appeal to force, and being always within our reach, shows a precious principle of self-preservation in our composition, till a change of circumstances shall take place, which is not within prospect at any definite period.

But I have got into a long disquisition on politics when I only meant to express my sympathy in the state of your health, and to tender you all the affections of public and private hospitality. I should be very happy indeed to see you here. I leave this about the 30th instant, to return about the 25th of April. If you do not leave Philadelphia before that, a little excursion hither would help your health. I should be much gratified with the possession of a guest I so much esteem, and should claim a right to lodge you, should you make such an excursion.

Accept the homage of my high consideration and respect, and assurances of affectionate attachment.

TH: JEFFERSON.

[* In the margin, is written by the author, 'Alien law.']

LETTER CCLXXX.

TO MOSES ROBINSON.

Washington, March 23, 1801.

Dear Sir,

I have to acknowledge the receipt of your favor of the 3rd instant, and to thank you for the friendly expressions it contains. I entertain real hope that the whole body of your fellow-citizens (many of whom had been carried away by the X. Y. Z. business) will shortly be consolidated in the same sentiments. When they examine the real principles of both parties, I think they will find little to differ about. I know, indeed, that there are some of their leaders who have so committed themselves, that pride, if no other passion, will prevent their coalescing. We must be easy with them. The eastern States will be the last to come over on account of the dominion of the clergy, who had got a smell of union between Church and State, and began to indulge reveries which can never be realized in the present state of science. If, indeed, they could have prevailed on us to view all advances in science as dangerous innovations, and to look back to the opinions and practices of our forefathers, instead of looking forward, for improvement, a promising groundwork would have been laid. But I am in hopes their good sense will dictate to them, that since the mountain will not come to them, they had better go to the mountain: that they will find their interest in acquiescing in the liberty and science of their country, and that the Christian religion, when divested of the rags in which they have enveloped it, and brought to the original purity and simplicity of its benevolent institutor, is a religion of all others most friendly to liberty, science, and the freest expansion of the human mind.

I sincerely wish with you, we could see our government so secured as to depend less on the character of the person in whose hands it is trusted. Bad men will sometimes get in, and, with such an immense patronage, may make great progress in corrupting the public mind and principles. This is a subject with which wisdom and patriotism should be occupied.

I pray you to accept assurances of my high respect and esteem.

Th: Jefferson.

LETTER CCLXXXI.

TO WILLIAM B. GILES.

Washington, March 23, 1801.

Dear Sir,

I received two days ago your favor of the 16th, and thank you for your kind felicitations on my election: but whether it will be a subject of felicitation permanently, will be for chapters of future history to say. The important subjects of the government I meet with some degree of courage and confidence, because I do believe the talents to be associated with me, the honest line of conduct we will religiously pursue at home and abroad, and the confidence of my fellow-citizens dawning on us, will be equal to these objects.

But there is another branch of duty which I must meet with courage too, though I cannot without pain; that is, the appointments and disappointments as to offices. Madison and Gallatin being still absent, we have not yet decided on our rules of conduct as to these. That some ought to be removed from office, and that all ought not, all mankind will agree. But where to draw the line, perhaps no two will agree. Consequently, nothing like a general approbation on this subject can be looked for. Some principles have been the subject of conversation, but not of determination; e. g. 1. all appointments to *civil* offices *during pleasure*, made after the event of the election was certainly known to Mr. Adams, are considered as nullities. I do not view the persons appointed as even candidates for the office, but make others without noticing or notifying them. Mr. Adams's best friends have agreed this is right. 2. Officers who have been guilty of *official* mal-conduct are proper subjects of removal. 3. Good men, to whom there is no objection but a difference of political principle, practised on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals. The courts being so decidedly federal and irremovable, it is believed that republican attorneys and marshals, being the doors of entrance into the courts, are indispensably necessary as a shield to the republican part of our fellow-citizens, which, I believe, is the main body of the people.

These principles are yet to be considered of, and I sketch them to you in confidence. Not that there is objection to your mooting them as subjects of conversation, and as proceeding from yourself, but not as matters of executive determination. Nay, farther, I will thank you for your own sentiments and those of others on them. If received before the 20th of April, they will be in time for our deliberation on the subject. You know that it was in the year X. Y. Z. that so great a transition from us to the other side took place, and with as real republicans as we were ourselves; that these, after getting over that delusion, have been returning to us, and that it is to that return we owe a triumph in 1800, which in 1799 would have been the other way. The week's suspension of the election before Congress, seems almost to have completed that business, and to have brought over nearly the whole remaining mass. They now find themselves with us, and separated from their quondam leaders. If we can but avoid shocking their feelings by unnecessary acts of severity against their late friends, they will in a little time cement and from one mass with us, and by these means harmony and union be restored to our country, which would be the greatest good we could effect. It was a conviction that these people did not differ from us in principle, which induced me to define the principles which I deemed orthodox, and to urge a re-union on these principles; and I am induced to hope it has conciliated many. I do not speak of the desperadoes of the quondam faction in and out of Congress. These I consider as incurables, on whom all attentions would be lost, and therefore will not be wasted. But my wish is, to keep their flock from returning to them.

On the subject of the marshal of Virginia, I refer you confidentially to Major Egglestone for information. I leave this about this day se'nnight, to make some arrangements at home preparatory to my final removal to this place, from which I shall be absent about three weeks.

Accept assurances of my constant esteem and high consideration and respect.

TH: JEFFERSON.

LETTER CCLXXXII.

TO SAMUEL ADAMS.

Washington, March 29, 1801.

I addressed a letter to you, my very dear and ancient friend, on the 4th of March: not indeed to you by name, but through the medium of some of my fellow-citizens, whom occasion called on me to address. In meditating the matter of that address, I often asked myself, Is this exactly in the spirit of the patriarch, Samuel Adams? Is it as he would express it? Will he approve of it? I have felt a great deal for our country in the times we have seen. But individually for no one so much as yourself. When I have been told that you were avoided, insulted, frowned on, I could but ejaculate, 'Father, forgive them, for they know not what they do.' I confess I felt an indignation for you, which for myself I have been able, under every trial, to keep entirely passive. However, the storm is over, and we are in port. The ship was not rigged for the service she was put on. We will show the smoothness of her motions on her republican tack. I hope we shall once more see harmony restored among our citizens, and an entire oblivion of past feuds. Some of the leaders, who have most committed themselves, cannot come into this. But I hope the great body of our fellow-citizens will do it. I will sacrifice every thing but principle to procure it. A few examples of justice on officers who have perverted their functions to the oppression of their fellow-citizens, must, in justice to those citizens, be made. But opinion, and the just maintenance of it, shall never be a crime in my view; nor bring injury on the individual. Those whose misconduct in office ought to have produced their removal even by my predecessor, must not be protected by the delicacy due only to honest men. How much I lament that time has deprived me of your aid. It would have been a day of glory which should have called you to the first office of the administration. But give us your counsel, my friend, and give us your blessing: and be assured that there exists not in the heart of man a more faithful esteem than mine to you, and that I shall ever bear you the most affectionate veneration and respect.

Th: Jefferson.

LETTER CCLXXXIII.

TO ELBRIDGE GERRY.

Washington, March 29, 1801.

My Dear Sir,

Your two letters of January the 15th and February the 24th came safely to hand, and I thank you for the history of a transaction which will ever be interesting in our affairs. It has been very precisely as I had imagined. I thought, on your return, that if you had come forward boldly, and appealed to the public by a full statement, it would have had a great effect in your favor personally, and that of the republican cause then oppressed almost unto death. But I judged from a tact of the southern pulse. I suspect that of the north was different, and decided your conduct: and perhaps it has been as well. If the revolution of sentiment has been later, it has perhaps been not less sure. At length it has arrived. What with the natural current of opinion which has been setting over to us for eighteen months, and the immense impetus which was given it from the 11th to the 17th of February, we may now say that the United States, from New York southwardly, are as unanimous in the principles of '76, as they were in '76. The only difference is, that the leaders who remain behind are more numerous and colder than the apostles of toryism in '76. The reason is, that we are now justly more tolerant than we could safely have been then, circumstanced as we were. Your part of the Union, though as absolutely republican as ours, had drunk deeper of the delusion, and is therefore slower in recovering from it. The ægis of government, and the temples of religion and of justice, have all been prostituted there to toll us back to the times when we burnt witches. But your people will rise again. They will awake like Samson from his sleep, and carry away the gates and the posts of the city. You, my friend, are destined to rally them again under their former banners, and when called to the post, exercise it with firmness and with inflexible adherence to your own principles. The people will support you, notwithstanding the howlings of the ravenous crew from whose jaws they are escaping. It will be a great blessing to our country if we can once more restore harmony and social love among its citizens. I confess, as to myself, it is almost the first object of my heart, and one to which I would sacrifice every thing but principle. With the people I have hopes of effecting it. But their Coryphæi are incurables. I expect little from them.

I was not deluded by the eulogiums of the public papers in the first moments of change. If they could have continued to get all the loaves and fishes, that is, if I would have gone over to them, they would continue to eulogize. But I well knew that the moment that such removals should take place, as the justice of the preceding administration ought to have executed, their hue and cry would be set up, and they would take their old stand. I shall disregard that also. Mr. Adams's last appointments, when he knew he was naming counsellors and aids for me and not for himself, I set aside as far as depends on me. Officers who have been guilty of gross abuses of office, such as marshals packing juries, &c., I shall now remove, as my predecessor ought in justice to have done. The instances will be few, and governed by strict rule, and not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well, have nothing to fear, however they may have differed from me in opinion: those who have done ill, however, have nothing to hope; nor shall I fail to do justice lest it should be ascribed to that difference of opinion. A coalition of sentiments is not for the interest of the printers. They, like the clergy, live by the zeal they can kindle, and the schisms they can create. It is contest of opinion in politics as well as religion which makes us take great interest in them, and bestow our money liberally on those who furnish aliment to our appetite. The mild and simple principles of the Christain philosophy would produce too much calm, too much regularity of good, to extract from its disciples a support for a numerous priesthood, were they not to sophisticate it, ramify it, split it into hairs, and twist its texts till they cover the divine morality of its author with mysteries, and require a priesthood to explain them. The Quakers seem to have discovered this. They have no priests, therefore no schisms. They judge of the text by the dictates of common sense and common morality. So the printers can never leave us in a state of perfect rest and union of opinion. They would be no longer useful, and would have to go to the plough. In the first moments of quietude which have succeeded the election, they seem to have aroused their lying faculties beyond their ordinary state, to re-agitate the public mind. What appointments to office have they detailed which had never been thought of, merely to found a text for their calumniating commentaries. However, the steady character of our countrymen is a rock to which we may safely moor: and notwithstanding the efforts of the papers to disseminate early discontents, I expect that a just, dispassionate, and steady conduct will at length rally to a proper system the great body of our country. Unequivocal in principle, reasonable in manner, we shall be able, I hope, to do a great deal of good to the cause of freedom and harmony. I shall be happy to hear from you often, to know your own sentiments and those of others on the course of things, and to concur with you in efforts for the common good. Your letters through the post will now come safely. Present my best respects to Mrs. Gerry, and accept yourself assurances of my constant esteem and high consideration.

TH: JEFFERSON.

LETTER CCLXXXIV.

TO GIDEON GRANGER.

Washington, May 3, 1801.

Dear Sir,

I wrote you on the 29th of March. Yours of the 25th of that month, with the address it covered, had not reached this place on the 1st of April, when I set out on a short visit to my residence in Virginia, where some arrangements were necessary previous to my settlement here. In fact, your letter came to me at Monticello only the 24th of April, two days before my departure from thence. This, I hope, will sufficiently apologize for the delay of the answer, which those unapprized of these circumstances will have thought extraordinary.

A new subject of congratulation has arisen. I mean the regeneration of Rhode Island. I hope it is the beginning of that resurrection of the genuine spirit of New England which rises for life eternal. According to natural order, Vermont will emerge next, because least, after Rhode Island, under the yoke of hierocracy. I have never dreamed that all opposition was to cease. The clergy, who have missed their union with the State, the Anglomen, who have missed their union with England, and the political adventurers, who have lost the chance of swindling and plunder in the waste of public money, will never cease to bawl, on the breaking up of their sanctuary. But among the people, the schism is healed, and with tender treatment the wound will not re-open. Their quondam leaders have been astounded with the suddenness of the desertion: and their silence and appearance of acquiescence have proceeded not from a thought of joining us, but the uncertainty what ground to take. The very first acts of the administration, the nominations, have accordingly furnished something to yelp on; and all our subsequent acts will furnish them fresh matter, because there is nothing against which human ingenuity will not be able to find something to say.

Accept assurances of my sincere attachment and high respect.

Th: Jefferson.

LETTER CCLXXXV.

TO NATHANIEL MACON.

Washington, May 14, 1801.

DEAR SIR,

Your favors of April the 20th and 23rd had been received, and the commission made out for Mr. Potts, before I received the letter of the 1st instant. I have still thought it better to forward the commission, in the hope that reconsideration, or the influence of yourself and friends, might induce an acceptance of it. Should it be otherwise, you must recommend some other good person, as I had rather be guided by your opinion than that of the person you refer me to. Perhaps Mr. Potts may be willing to stop the gap till you meet and repeal the law. If he does not, let me receive a recommendation from you as quickly as possible. And in all cases, when an office becomes vacant in your State, as the distance would occasion a great delay, were you to wait to be regularly consulted, I shall be much obliged to you to recommend the best characters. There is nothing I am so anxious about as making the best possible appointments, and no case in which the best men are more liable to mislead us, by yielding to the solicitations of applicants. For this reason your own spontaneous recommendation would be desirable. Now to answer your particulars, *seriatim*.

Levees are done away.

The first communication to the next Congress will be, like all subsequent ones, by message, to which no answer will be expected.

The diplomatic establishment in Europe will be reduced to three ministers.

The compensations to collectors depend on you, and not on me.

The army is undergoing a chaste reformation.

The navy will be reduced to the legal establishment by the last of this month.

Agencies in every department will be revised.

We shall push you to the uttermost in economizing.

A very early recommendation had been given to the Postmaster-General to employ no printer, foreigner, or revolutionary tory in any of his offices. This department is still untouched.

The arrival of Mr. Gallatin, yesterday, completed the organization of our administration.

Accept assurances of my sincere esteem and high respect.

TH: JEFFERSON.

LETTER CCLXXXVI.

TO LEVI LINCOLN.

Washington, July 11, 1801.

DEAR SIR,

Your favor of the 15th came to hand on the 25th of June, and conveyed a great deal of that information which I am anxious to receive. The consolidation of our fellow-citizens in general is the great object we ought to keep in view; and that being once obtained, while we associate with us in affairs, to a certain degree, the federal sect of republicans, we must strip of all the means of influence the Essex junto, and their associate monocrats in every part of the Union. The former differ from us only in the shades of power to be given to the executive, being, with us, attached to republican government. The latter wish to sap the republic by fraud, if they cannot destroy it by force, and to erect an English monarchy in its place; some of them (as Mr. Adams) thinking its corrupt parts should be cleansed away, others (as Hamilton) thinking that would make it an impracticable machine. We are proceeding gradually in the regeneration of offices, and introducing republicans to some share in them. I do not know that it will be pushed further than was settled before you went away, except as to Essex men. I must ask you to make out a list of those in office in yours and the neighboring States, and to furnish me with it. There is little of this spirit south of the Hudson. I understand that Jackson is a very determined one, though in private life amiable and honorable. But amiable monarchists are not safe subjects of republican confidence. What will be the effect of his removal? How should it be timed? Who his successor? What place can General Lyman properly occupy? Our gradual reformations seem to produce good effects every where except in Connecticut. Their late session of legislature has been more intolerant than all others. We must meet them with equal intolerance. When they will give a share in the State offices, they shall be replaced in a share of the General offices. Till then we must follow their example. Mr. Goodrich's removal has produced a bitter *remonstrance*, with much personality against the two Bishops. I am sincerely sorry to see the inflexibility of the *federal* spirit there, for I cannot believe they are *all monarchists*.

I observe your tory papers make much of the Berceau. As that is one of the subjects to be laid before Congress, it is material to commit to writing, while fresh in memory, the important circumstances. You possess more of these than any other person. I pray you, therfore, immediately to state to me all the circumstances you recollect. I will aid you with the following hints, which you can correct and incorporate. Pichon, I think, arrived about the 12th of March. I do not remember when he first proposed the question about the Insurgente and Berceau. On the 20th of March, Mr. Stoddart wrote to his agent at Boston to put the Berceau into handsome order to be restored, but whether he did that of his own accord, or after previous consultation with you or myself, I do not recollect. I set out for Monticello April the 1st. About that time General Smith sent new directions to put her precisely into the state in which she was before the capture. Do you recollect from what fund it was contemplated to do this? I had trusted for this to Stoddart who was familiar with all the funds, being myself entirely new in office at that time. What will those repairs have cost? Did we not leave to Le Tombe to make what allowance he thought proper to the officers, we only advancing money on his undertaking repayment? I shall hope to recieve from you as full a statement as you can make. It may be useful to inquire into the time and circumstances of her being dismantled. When you shall have retraced the whole matter in your memory, would it not be well to make a summary statement of the important circumstances for insertion in the Chronicle in order to set the minds of the candid part of the public to rights? Mr. Madison has had a slight bilious attack. I am advising him to get off by the middle of this month. We who have stronger constitutions shall stay to the end of it. But during August and September, we also must take refuge in climates rendered safer by our habits and confidence. The post will be so arranged as that letters will go hence to Monticello, and the answer return here in a week. I hope I shall continue to hear fom you there.

Accept assurances of my affectionate esteem and high respect.

TH: JEFFERSON.

P. S. The French convention was laid before the Senate December the 16th. I think the Berceau arrived afterwards. If so, she was dismantled when it was known she was to be restored. When did she arrive? By whose orders was she dismantled? T. J.

LETTER CCLXXXVII.

TO GOVERNOR MONROE.

Washington, July 11, 1801.

Dear Sir,

As to the mode of correspondence between the general and particular executives, I do not think myself a good judge. Not because my position gives me any prejudice on the occasion; for if it be possible to be certainly conscious of any thing, I am conscious of feeling no difference between writing to the highest and lowest being on earth; but because I have ever thought that forms should yield to whatever should facilitate business. Comparing the two governments together, it is observable that in all those cases where the independent or reserved rights of the States are in question, the two executives, if they are to act together, must be exactly co-ordinate; they are, in these cases, each the supreme head of an independent government. In other cases, to wit, those transferred by the constitution to the General Government, the general executive is certainly pre-ordinate; e. g. in a question respecting the militia, and others easily to be recollected. Were there, therefore, to be a stiff adherence to etiquette, I should say that in the former cases the correspondence should be between the two heads, and that in the latter, the Governor must be subject to receive orders from the war department as any other subordinate officer would. And were it observed that either party set up unjustifiable pretensions, perhaps the other might be right in opposing them by a tenaciousness of his own rigorous rights. But I think the practice in General Washington's administration was most friendly to business, and was absolutely equal; sometimes he wrote to the Governors, and sometimes the heads of departments wrote. If a letter is to be on a general subject, I see no reason why the President should not write; but if it is to go into details, these being known only to the head of the department, it is better he should write directly. Otherwise, the correspondence must involve circuities. If this be practised promiscuously in both classes of cases, each party setting examples of neglecting etiquette, both will stand on equal ground, and convenience alone will dictate through whom any particular communication is to be made. On the whole, I think a free correspondence best, and shall never hesitate to write myself to the Governors, in every federal case, where the occasion presents itself to me particularly. Accept assurances of my sincere and constant affection and respect.

Th: Jefferson.

LETTER CCLXXXVIII.

To Elias Shipman and Others, a Committee of the Merchants of New Haven.

Washington, July 12, 1801.

GENTLEMEN,

I have received the remonstrance you were pleased to address to me, on the appointment of Samuel Bishop to the office of Collector of New Haven, lately vacated by the death of David Austin. The right of our fellow-citizens to represent to the public functionaries their opinion on proceedings interesting to them, is unquestionably a constitutional right, often useful, sometimes necessary, and will always be respectfully acknowledged by me.

Of the various executive duties, no one excites more anxious concern than that of placing the interests of our fellow-citizens in the hands of honest men, with understandings sufficient for their stations. No duty, at the same time, is more difficult to fulfil. The knowledge of characters possessed by a single individual is, of necessity, limited. To seek out the best through the whole Union, we must resort to other information, which from the best of men, acting disinterestedly and with the purest motives, is sometimes incorrect. In the case of Samuel Bishop, however, the subject of your remonstrance, time was taken, information was sought, and such obtained as could leave no room for doubt of his fitness. From private sources it was learned that his understanding was sound, his integrity pure, his character unstained. And the offices, confided to him within his own State, are public evidences of the estimation in which he is held by the State in general, and the city and township particularly in which he lives. He is said to be the town clerk, a justice of the peace, mayor of the city of New Haven, an office held at the will of the legislature, chief judge of the court of common pleas for New Haven county, a court of high criminal and civil jurisdiction, wherein most causes are decided without the right of appeal or review, and sole judge of the court of probate, wherein he singly decides all questions of wills, settlement of estates, testate and intestate, appoints guardians, settles their accounts, and in fact has under his jurisdiction and care all the property, real and personal, of persons dying. The two last offices, in the annual gift of the legislature, were given to him in May last. Is it possible that the man to whom the legislature of Connecticut has so recently committed trusts of such difficulty and magnitude, is 'unfit to be the collector of the district of New

Haven,' though acknowledged in the same writing, to have obtained all this confidence 'by a long life of usefulness?' It is objected, indeed, in the remonstrance, that he is seventy-seven years of age; but at a much more advanced age, our Franklin was the ornament of human nature. He may not be able to perform in person, all the details of his office; but if he gives us the benefit of his understanding, his integrity, his watchfulness, and takes care that all the details are well performed by himself or his necessary assistants, all public purposes will be answered. The remonstrance, indeed, does not allege that the office *has been* illy conducted, but only apprehends that it *will be* so. Should this happen in event, be assured I will do in it what shall be just and necessary for the public service. In the mean time, he should be tried without being prejudged.

The removal, as it is called, of Mr. Goodrich, forms another subject of complaint. Declarations by myself in favor of *political tolerance*, exhortations to *harmony* and affection in social intercourse, and to respect for the *equal rights* of the minority, have, on certain occasions, been quoted and misconstrued into assurances that the tenure of offices was to be undisturbed. But could candor apply such a construction? It is not indeed in the remonstrance that we find it; but it leads to the explanations which that calls for. When it is considered, that during the late administration, those who were not of a particular sect of politics were excluded from all office; when, by a steady pursuit of this measure, nearly the whole offices of the United States were monopolized by that sect; when the public sentiment at length declared itself, and burst open the doors of honor and confidence to those whose opinions they more approved; was it to be imagined that this monopoly of office was still to be continued in the hands of the minority? Does it violate their *equal rights*, to assert some rights in the majority also? Is it *political intolerance* to claim a proportionate share in the direction of the public affairs? Can they not *harmonize* in society unless they have every thing in their own hands? If the will of the nation, manifested by their various elections, calls for an administration of government according with the opinions of those elected; if, for the fulfilment of that will, displacements are necessary, with whom can they so justly begin as with persons appointed in the last moments of an administration, not for its own aid, but to begin a career at the same time with their successors, by whom they had never been approved, and who could scarcely expect from them a cordial co-operation? Mr. Goodrich was one of these. Was it proper for him to place himself in office, without knowing whether those whose agent he was to be, would have confidence in his agency? Can the preference of another as the successor to Mr. Austin, be candidly called a removal of Mr. Goodrich? If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation none. Can any other mode than that of removal be proposed? This is a painful office. But it is made my duty, and I meet it as such. I proceed in the operation with deliberation and inquiry, that it may injure the best men least, and effect the purposes of justice and public utility with the least private distress; that it may be thrown, as much as possible, on delinquency, on oppression, on intolerance, on anti-revolutionary adherence to our enemies.

The remonstrance laments 'that a change in the administration must produce a change in the subordinate officers;' in other words, that it should be deemed necessary for all officers to think with their principal? But on whom does this imputation bear? On those who have excluded from office every shade of opinion which was not theirs? Or on those who have been so excluded? I lament sincerely that unessential differences of opinion should ever have been deemed sufficient to interdict half the society from the rights and the blessings of self-government, to proscribe them as unworthy of every trust. It would have been to me a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter corrections. I shall correct the procedure: but that done, return with joy to that state of things, when the only questions concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the constitution?

I tender you the homage of my high respect.

TH: JEFFERSON.

LETTER CCLXXXIX.

TO LEVI LINCOLN.

Monticello, August 26, 1801.

DEAR SIR,

Your favor of July the 28th was received here on the 20th instant. The superscription of my letter of July the 11th, by another hand, was to prevent danger to it from the curious. Your statement respecting the Berceau coincided with my own recollection, in the circumstances recollected by me, and I concur with you in supposing it may not now be necessary to give any explanations on the subject in the papers. The purchase was made by our predecessors, and the repairs begun by them. Had she been to continue ours, we were authorized to put and keep her in good order out of the fund of the naval contingencies, and when in good order, we obeyed a law of the land, the treaty, in giving her up. It is true the treaty was not ratified; but when ratified it is validated retrospectively. We took on ourselves this risk, but France had put more into our hands on the same risk. I do not know whether the clamor, as to the allowance to the French officers of their regular pay, has been rectified by a statement that it was on the request of the French Consul, and his promise to repay it. So that they cost the United States, on this arrangement, nothing.

I am glad to learn from you that the answer to New Haven had a good effect in Massachusetts on the republicans, and no ill effects on the sincere federalists. I had foreseen, years ago, that the first republican President who should come into office after all the places in the government had become exclusively occupied by federalists, would have a dreadful operation to perform. That the republicans would consent to a continuation of every thing in federal hands, was not to be expected, because neither just nor politic. On him then was to devolve the office of an executioner, that of lopping off. I cannot say that it has worked harder than I expected. You know the moderation of our views in this business, and that we all concurred in them. We determined to proceed with deliberation. This produced impatience in the republicans, and a belief we meant to do nothing. Some occasion of public explanation was eagerly desired, when the New Haven remonstrance offered us that occasion. The answer was meant as an explanation to our friends. It has had on them, everywhere, the most wholesome effect. Appearances of schismatizing from us have been entirely done away. I own I expected it would check the current, with which the republican federalists were returning to their brethren, the republicans. I extremely lamented this effect. For the moment which should convince me that a healing of the nation into one, is impracticable, would be the last moment of my wishing to remain where I am. (Of the monarchical federalists, I have no expectations. They are incurables, to be taken care of in a mad-house if necessary, and on motives of charity.) I am much pleased, therefore, with your information that the republican federalists are still coming in to the desired union. The eastern newspapers had given me a different impression, because

I supposed the printers knew the taste of their customers, and cooked their dishes to their palates. The Palladium is understood to be the *clerical* paper, and from the clergy I expect no mercy. They crucified their Savior who preached that their kingdom was not of this world, and all who practise on that precept must expect the extreme of their wrath. The laws of the present day withhold their hands from blood. But lies and slander still remain to them.

I am satisfied that the heaping of abuse on me personally, has been with the design and the hope of provoking me to make a general sweep of all federalits out of office. But as I have carried no passion into the execution of this disagreeable duty, I shall suffer none to be excited. The clamor which has been raised will not provoke me to remove one more, nor deter me from removing one less, than if not a word had been said on the subject. In Massachusetts you may be assured, great moderation will be used. Indeed, Connecticut, New York, New Jersey, Pennsylvania, and Delaware are the only States where any thing considerable is desired. In the course of the summer all which is necessary will be done; and we may hope that this cause of offence being at an end, the measures we shall pursue and propose for the amelioration of the public affairs, will be so confessedly salutary as to unite all men not monarchists in principle.

We have considerable hopes of republican Senators from South Carolina, Maryland, and Delaware, and some as to Vermont. In any event we are secure of a majority in the Senate; and consequently that there will be a concert of action between the legislature and executive. The removal of excrescences from the judiciary, is the universal demand. We propose to re-assemble at Washington on the last day of September. Accept assurances of my affectionate esteem and high respect.

TH: JEFFERSON.

LETTER CCXC.

TO ROBERT R. LIVINGSTON.

Monticello, September 9, 1801.

DEAR SIR,

You will receive, probably by this post, from the Secretary of State, his final instructions for your mission to France. We have not thought it necessary to say any thing in them on the great question of the maritime law of nations, which at present agitates Europe, that is to say, whether free ships shall make free goods; because we do not mean to take any side in it during the war. But as I had before communicated to you some loose thoughts on that subject, and have since considered it with somewhat more attention, I have thought it might be useful that you should possess my ideas in a more matured form than that in which they were before given. Unforeseen circumstances may perhaps oblige you to hazard an opinion on some occasion or other, on this subject, and it is better that it should not be at variance with ours. I write this too, myself, that it may not be considered as official, but merely my individual opinion, unadvised by those official counsellors whose opinions I deem my safest guide, and should unquestionably take in form were circumstances to call for a solemn decision of the question.

When Europe assumed the general form in which it is occupied by the nations now composing it, and turned its attention to maritime commerce, we find among its earliest practices, that of taking the goods of an enemy from the ship of a friend; and that into this practice every maritime State went sooner or later, as it appeared on the theatre of the ocean. If, therefore, we are to consider the practice of nations as the sole and sufficient evidence of the law of nature among nations, we should unquestionably place this principle among those of the natural laws. But its inconveniences, as they affected neutral nations peaceably pursuing their commerce, and its tendency to embroil them with the powers happening to be at war, and thus to extend the flames of war, induced nations to introduce by special compacts, from time to time, a more convenient rule; that 'free ships should make free goods': and this latter principle has by every maritime nation of Europe been established, to a greater or less degree, in its treaties with other nations; insomuch, that all of them have, more or less frequently, assented to it, as a rule of action in particular cases. Indeed, it is now urged, and I think with great appearance of reason, that this is the genuine principle dictated by national morality; and that the first practice arose from accident, and the particular convenience of the States * which first figured on the water, rather than from well digested reflections on the relations of friend and enemy, on the rights of territorial jurisdiction, and on the dictates of moral law applied to these. Thus it had never been supposed lawful, in the territory of a friend to seize the goods of an enemy. On an element which

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* Venice and Genoa.

nature has not subjected to the jurisdiction of any particular nation, but has made common to all for the purposes to which it is fitted, it would seem that the particular portion of it which happens to be occupied by the vessel of any nation, in the course of its voyage, is, for the moment, the exclusive property of that nation, and, with the vessel, is exempt from intrusion by any other, and from its jurisdiction, as much as if it were lying in the harbor of its sovereign. In no country, we believe, is the rule otherwise, as to the subjects of property common to all. Thus the place occupied by an individual in a highway, a church, a theatre, or other public assembly, cannot be intruded on, while its occupant holds it for the purposes of its institution. The persons on board a vessel traversing the ocean, carrying with them the laws of their nation, have among themselves a jurisdiction, a police, not established by their individual will, but by the authority of their nation, of whose territory their vessel still seems to compose a part, so long as it does not enter the exclusive territory of another. No nation ever pretended a right to govern by their laws the ships of another nation navigating the ocean. By what law then can it enter that ship while in peaceable and orderly use of the common element? We recognise no natural precept for submission to such a right; and perceive no distinction between the movable and immovable jurisdiction of a friend, which would authorize the entering the one and not the other, to seize the property of an enemy.

It may be objected that this proves too much, as it proves you cannot enter the ship of a friend to search for contraband of war. But this is not proving too much. We believe the practice of seizing what is called contraband of war, is an abusive practice, not founded in natural right. War between two nations cannot diminish the rights of the rest of the world remaining at peace. The doctrine that the rights of nations remaining quietly in the exercise of moral and social duties, are to give way to the convenience of those who prefer plundering and murdering one another, is a monstrous doctrine; and ought to yield to the more rational law, that 'the wrong which two nations endeavor to inflict on each other, must not infringe on the rights or conveniences of those remaining at peace.' And what is *contraband*, by the law of nature? Either every thing which may aid or comfort an enemy, or nothing. Either all commerce which would accommodate him is unlawful, or none is. The difference between articles of one or another description, is a difference in degree only. No line between them can be drawn. Either all intercourse must cease between neutrals and belligerents, or all be permitted. Can the world hesitate to say which shall be the rule? Shall two nations turning tigers, break up in one instant the peaceable relations of the whole world? Reason and nature clearly pronounce that the neutral is to go on in the enjoyment of all its rights, that its commerce remains free, not subject to the jurisdiction of another, nor consequently its vessels to search, or to inquiries whether their contents are the property of an enemy, or are of those which have been called contraband of war.

Nor does this doctrine contravene the right of preventing vessels from entering a blockaded port. This right stands on other ground. When the fleet of any nation actually beleaguers the port of its enemy, no other has a right to enter their line, any more than their line of battle in the open sea, or their lines of circumvallation, or of encampment, or of battle-array on land. The space included within their lines in any of those cases, is either the property of their enemy, or it is common property assumed and possessed for the moment, which cannot be intruded on, even by a neutral, without committing the very trespass we are now considering, that of intruding into the lawful possession of a friend.

Although I consider the observance of these principles as of great importance to the interests of peaceable nations, among whom I hope the United States will ever place themselves, yet in the present state of things they are not worth a war. Nor do I believe war the most certain means of enforcing them. Those peaceable coercions which are in the power of every nation, if undertaken in concert and in time of peace, are more likely to produce the desired effect.

The opinions I have here given, are those which have generally been sanctioned by our government. In our treaties with France, the United Netherlands, Sweden, and Prussia, the principle of free bottom, free goods, was uniformly maintained. In the instructions of 1784, given by Congress to their Ministers appointed to treat with the nations of Europe generally, the same principle, and the doing away contraband of war, were enjoined, and were acceded to in the treaty signed with Portugal. In the late treaty with England, indeed, that power perseveringly refused the principle of free bottoms, free goods; and it was avoided in the late treaty with Prussia, at the instance of our then administration, lest it should seem to take side in a question then threatening decision by the sword. At the commencement of the war between France and England, the representative of the French republic then residing in the United States, complaining that the British armed ships captured French property in American bottoms, insisted that the principle of 'free bottoms, free goods,' was of the acknowledged law of nations; that the violation of that principle by the British was a wrong committed on us, and such an one as we ought to repel by joining in the war against that country. We denied his position, and appealed to the universal practice of Europe, in proof that the principle of 'free bottoms, free goods,' was not acknowledged as of the natural law of nations, but only of its conventional law. And I believe we may safely affirm, that not a single instance can be produced where any nation of Europe, acting professedly under the law of nations alone, unrestrained by treaty, has, either by its executive or judiciary organs, decided on the principle of 'free bottoms, free goods.' Judging of the law of nations by what has been *practised* among nations, we were authorized to say that the contrary principle was their rule, and this but an exception to it, introduced by special treaties in special cases only; that having no treaty with England substituting this instead of the ordinary rule, we had neither the right nor the disposition to go to war for its establishment. But though we would not then, nor will we now, engage in war to establish this principle, we are nevertheless sincerely friendly to it. We think that the nations of Europe have originally set out in error; that experience has proved the error oppressive to the rights and interests of the peaceable part of mankind; that every nation but one has acknowledged this, by consenting to the change, and that one has consented in particular cases; that nations have a right to correct an erroneous principle, and to establish that which is right as their rule of action; and if they should adopt measures for effecting this in a peaceable way, we shall wish them success, and not stand in their way to it. But should it become, at any time, expedient for us to co-operate in the establishment of this principle, the opinion of the executive, on the advice of its constitutional counsellors, must then be given; and that of the legislature, an independent and essential organ in the operation, must also be expressed; in forming which, they will be governed, every man by his own judgment, and may, very possibly, judge differently from the executive. With the same honest views, the most honest men often form different conclusions. As far, however, as we can judge, the principle of 'free bottoms, free goods,' is that which would carry the wishes of our nation.

Wishing you smooth seas and prosperous gales, with the enjoyment of good health, I tender you the assurances of my constant friendship and high consideration and respect.

TH: JEFFERSON.

LETTER CCXCI.

TO WILLIAM SHORT.

Washington, October 3, 1801.

Dear Sir,

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I trusted to Mr. Dawson to give you a full explanation, verbally, on a subject which I find he has but slightly mentioned to you. I shall therefore now do it. When I returned from France, after an absence of six or seven years, I was astonished at the change which I found had taken place in the United States in that time. No more like the same people; their notions, their habits and manners, the course of their commerce, so totally changed, that I, who stood in those of 1784, found myself not at all qualified to speak their sentiments, or forward their views in 1790. Very soon, therefore, after entering on the office of Secretary of State, I recommended to General Washington to establish as a rule of practice, that no person should be continued on foreign mission beyond an absence of six, seven, or eight years. He approved it. On the only subsequent missions which took place in my time, the persons appointed were notified that they could not be continued beyond that period. All returned within it except Humphreys. His term was not quite out when General Washington went out of office. The succeeding administration had no rule for any thing: so he continued. Immediately on my coming to the administration, I wrote to him myself, reminded him of the rule I had communicated to him on his departure; that he had then been absent about eleven years, and consequently must return. On this ground solely he was superseded. Under these circumstances, your appointment was impossible after an absence of seventeen years. Under any others, I should never fail to give to yourself and the world proofs of my friendship for you, and of my confidence in you. Whenever you shall return, you will be sensible in a greater, of what I was in a smaller degree, of the change in this nation from what it was when we both left it in 1784. We return like foreigners, and, like them, require a considerable residence here to become Americanized.

The state of political opinion continues to return steadily towards republicanism. To judge from the opposition papers, a stranger would suppose that a considerable check to it had been produced by certain removals of public officers. But this is not the case. All offices were in the hands of the federalists. The injustice of having totally excluded republicans was acknowledged by every man. To have removed one half, and to have placed republicans in their stead, would have been rigorously just, when it was known that these composed a very great majority of the nation. Yet such was their moderation in most of the States that they did not desire it. In these, therefore, no removals took place but for malversation. In the middle States the contention had been higher, spirits were more sharpened and less accommodating. It was necessary in these to practise a different treatment, and to make a few changes to tranquillize the injured party. A few have been made there, a very few still remain to be made. When this painful operation shall be over, I see nothing else ahead of us which can give uneasiness to any of our citizens, or retard that consolidation of sentiment so essential to our happiness and our strength. The tory papers will still find fault with every thing. But these papers are sinking daily, from their dissonance with the sentiments of their subscribers, and very few will shortly remain to keep up a solitary and ineffectual barking.

There is no point in which an American, long absent from his country, wanders so widely from its sentiments as on the subject of its foreign affairs. We have a perfect horror at every thing like connecting ourselves with the politics of Europe. It would indeed be advantageous to us to have neutral rights established on a broad ground; but no dependence can be placed in any European coalition for that. They have so many other by-interests of greater weight, that some one or other will always be bought off. To be entangled with them would be a much greater evil than a temporary acquiescence in the false principles which have prevailed. Peace is our most important interest, and a recovery from debt. We feel ourselves strong, and daily growing stronger. The census just now concluded, shows we have added to our population a third of what it was ten years ago. This will be a duplication in twenty-three or twenty-four years. If we can delay but for a few years the necessity of vindicating the laws of nature on the ocean, we shall be the more sure of doing it with effect. The day is within my time as well as yours, when we may say by what laws other nations shall treat us on the sea. And we will say it. In the meantime, we wish to let every treaty we have drop off without renewal. We call in our diplomatic missions, barely keeping up those to the most important nations. There is a strong disposition in our countrymen to discontinue even these; and very possibly it may be done. Consuls will be continued as usual. The interest which European nations feel, as well as ourselves, in the mutual patronage of commercial intercourse, is a sufficient stimulus on both sides to insure that patronage. A treaty, contrary to that interest, renders war necessary to get rid of it.

I send this by Chancellor Livingston, named to the Senate the day after I came into office, as our Minister Plenipotentiary to France. I have taken care to impress him with the value of your society. You will find him an able and honorable man; unfortunately, so deaf that he will have to transact all his business by writing. You will have known long ago, that Mr. Skipwith is reinstated in his consulship, as well as some others who had been set aside. I recollect no domestic news interesting to you. Your letters to your brother have been regularly transmitted, and I lately forwarded one from him, to be carried you by Mr. Livingston.

Present my best respects to our amiable and mutual friend, and accept yourself assurances of my sincere and constant affection.

TH: JEFFERSON.

LETTER CCXCII.

Circular to the Heads of the Departments, and private.

Washington, November 6, 1801.

DEAR SIR,

Coming all of us into executive office, new, and unfamiliar with the course of business previously practised, it was not to be expected, we should, in the first outset, adopt in every part a line of proceeding so perfect as to admit no amendment. The mode and degrees of communication, particularly between the President and heads of departments, have not been practised exactly on the same scale in all of them. Yet it would certainly be more safe and satisfactory for ourselves as well as the public, that not only the best, but also an uniform course of proceeding as to manner and degree, should be observed. Having been a member of the first administration under General Washington, I can state with exactness what our course then was. Letters of business came addressed sometimes to the President, but most frequently to the heads of departments. If addressed to himself, he referred them to the proper department to be acted on: if to one of the secretaries, the letter, if it required no answer, was communicated to the President, simply for his information. If an answer was requisite, the secretary of the department communicated the letter and his proposed answer to the President. Generally they were simply sent back after perusal; which signified his approbation. Sometimes he returned them with an informal note, suggesting an alteration or a query. If a doubt of any importance arose, he reserved it for conference. By this means, he was always in accurate possession of all facts and proceedings in every part of the Union, and to whatsoever department they related; he formed a central point for the different branches; preserved an unity of object and action among them; exercised that participation in the gestion of affairs which his office made incumbent on him; and met himself the due responsibility for whatever was done. During Mr. Adams's administration, his long and habitual absences from the seat of government, rendered this kind of communication impracticable, removed him from any share in the transaction of affairs, and parcelled out the government, in fact, among four independent heads, drawing sometimes in opposite directions. That the former is preferable to the latter course, cannot be doubted. It gave, indeed, to the heads of departments the trouble of making up, once a day, a packet of all their communications for the perusal of the President; it commonly also retarded one day their despatches by mail. But in pressing cases, this injury was prevented by presenting that case singly for immediate attention; and it produced us in return the benefit of his sanction for every act we did. Whether any change of circumstances may render a change in this procedure necessary, a little experience will show us. But I cannot withhold recommending to the heads of departments, that we should adopt this course for the present, leaving any necessary modifications of it to time and trial. I am sure my conduct must have proved, better than a thousand declarations would, that my confidence in those whom I am so happy as to have associated with me, is unlimited, unqualified, and unabated. I am well satisfied that every thing goes on with a wisdom and rectitude which I could not improve. If I had the universe to choose from, I could not change one of my associates to my better satisfaction. My sole motives are those before expressed, as governing the first administration in chalking out the rules of their proceeding; adding to them only a sense of obligation imposed on me by the public will, to meet personally the duties to which they have appointed me. If this mode of proceeding shall meet the approbation of the heads of departments, it may go into execution without giving them the trouble of an answer: if any other can be suggested which would answer our views and add less to their labors, that will be a sufficient reason for my preferring it to my own proposition, to the substance of which only, and not the form, I attach any importance.

Accept for yourself particularly, my Dear Sir, assurances of my constant and sincere affection and respect.

TH: JEFFERSON.

LETTER CCXCIII.

TO JOHN DICKINSON.

Washington, December 19, 1801.

Dear Sir,

The approbation of my ancient friends is above all things the most grateful to my heart. They know for what objects we relinquished the delights of domestic society, tranquillity, and science, and committed ourselves to the ocean of revolution, to wear out the only life God has given us here, in scenes, the benefits of which will accrue only to those who follow us. Surely we had in view to obtain the theory and practice of good government; and how any, who seemed so ardent in this pursuit, could as shamelessly have apostatized, and supposed we meant only to put our government into other hands, but not other forms, is indeed wonderful. The lesson we have had will probably be useful to the people at large, by showing to them how capable they are of being made the instruments of their own bondage. A little more prudence and moderation in those who had mounted themselves on their fears, and it would have been long and difficult to unhorse them. Their madness had done in three years what reason alone acting against them would not have effected in many; and the more, as they might have gone on forming new entrenchments for themselves from year to year. My great anxiety at present is, to avail ourselves of our ascendency to establish good principles, and good practices: to fortify republicanism behind as many barriers as possible, that the outworks may give time to rally and save the citadel, should that be again in danger. On their part, they have retired into the judiciary as a strong hold. There the remains of federalism are to be preserved and fed from the treasury, and from that battery all the works of republicanism are to be beaten down and erased. By a fraudulent use of the constitution, which has made judges irremovable, they have multiplied useless judges merely to strengthen their phalanx.

You will perhaps have been alarmed, as some have been, at the proposition to abolish the whole of the internal taxes. But it is perfectly safe. They are under a million of dollars, and we can economize the government two or three millions a year. The impost alone gives us ten or eleven millions annually, increasing at a compound ratio of six and two thirds per cent. per annum, and consequently doubling in ten years. But leaving that increase for contingencies, the present amount will support the government, pay the interest of the public debt, and discharge the principal in fifteen years. If the increase proceeds, and no contingencies demand it, it will pay off the principal in a shorter time. Exactly one half of the public debt, to wit, thirty-seven millions of dollars, is owned in the United States. That capital then will be set afloat, to be employed in rescuing our commerce from the hands of foreigners, or in agriculture, canals, bridges, or other useful enterprises. By suppressing at once the whole internal taxes, we abolish three fourths of the offices now existing, and spread over the land. Seeing the interest you take in the public affairs, I have indulged myself in observations flowing from a sincere and ardent desire of seeing our affairs put into an honest and advantageous train. Accept assurances of my constant and affectionate esteem and high respect.

TH: JEFFERSON.

LETTER CCXCIV.

TO ALBERT GALLATIN.

Washington, April 1, 1802.

DEAR SIR,

I have read and considered your report on the operations of the sinking fund, and entirely approve of it, as the best plan on which we can set out. I think it an object of great importance, to be kept in view and to be undertaken at a fit season, to simplify our system of finance, and bring it within the comprehension of every member of Congress. Hamilton set out on a different plan. In order that he might have the entire government of his machine, he determined so to complicate it as that neither the President nor Congress should be able to understand it, or to control him. He succeeded in doing this, not only beyond their reach, but so that he at length could not unravel it himself. He gave to the debt, in the first instance, in funding it, the most artificial and mysterious form he could devise. He then moulded up his appropriations of a number of scraps and remnants, many of which were nothing at all, and applied them to different objects in reversion and remainder, until the whole system was involved in impenetrable fog; and while he was giving himself the airs of providing for the payment of the debt, he left himself free to add to it continually, as he did in fact, instead of paying it. I like your idea of kneading all his little scraps and fragments into one batch, and adding to it a complementary sum, which, while it forms it into a single mass from which every thing is to be paid, will enable us, should a breach of appropriation ever be charged on us, to prove that the sum appropriated, and more, has been applied to its specific object.

But there is a point beyond this, on which I should wish to keep my eye, and to which I should aim to approach by every tack which previous arrangements force on us. That is, to form into one consolidated mass all the monies received into the treasury, and to marshal the several expenditures, giving them a preference of payment according to the order in which they should be arranged. As for example. 1. The interest of the public debt. 2. Such portions of principal as are exigible. 3. The expenses of government. 4. Such other portions of principal as, though not exigible, we are still free to pay when we please. The last object might be made to take up the residuum of money remaining in the treasury at the end of every year, after the three first objects were complied with, and would be the barometer whereby to test the economy of the administration. It would furnish a simple measure by which every one could mete their merit, and by which every one could decide when taxes were deficient or superabundant. If to this can be added a simplification of the form of accounts in the treasury department, and in the organization of its officers, so as to bring every thing to a single centre, we might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every member of Congress, and every man of any mind in the Union, should be able to comprehend them, to investigate abuses, and consequently to control them. Our predecessors have endeavored by intricacies of system, and shuffling the investigator over from one officer to another, to cover every thing from detection. I hope we shall go in the contrary direction, and that, by our honest and judicious reformations, we may be able, within the limits of our time, to bring things back to that simple and intelligible system, on which they should have been organized at first.

I have suggested only a single alteration in the report, which is merely verbal and of no consequence. We shall now get rid of the commissioner of the internal revenue, and superintendant of stamps. It remains to amalgamate the comptroller and auditor into one, and reduce the register to a clerk of accounts; and then the organization will consist, as it should at first, of a keeper of money, a keeper of accounts, and the head of the department. This constellation of great men in the treasury department was of a piece with the rest of Hamilton's plans. He took his own stand as a Lieutenant General, surrounded by his Major Generals, and stationing his Brigadiers and Colonels under the name of Supervisors, Inspectors, &c. in the different States. Let us deserve well of our country by making her interests the end of all our plans, and not our own pomp, patronage, and irresponsibility. I have hazarded these hasty and crude ideas, which occurred on contemplating your report. They may be the subject of future conversation and correction. Accept my affectionate salutations.

TH: JEFFERSON.

LETTER CCXCV.

TO GENERAL KOSCIUSKO.

Washington, April 2, 1802.

DEAR GENERAL,

It is but lately that I have received your letter of the 25th *Frimaire* (December 15th), wishing to know whether some officers of your country could expect to be employed in this country. To prevent a suspense injurious to them, I hasten to inform you, that we are now actually engaged in reducing our military establishment one third, and discharging one third of our officers. We keep in service no more than men enough to garrison the small posts dispersed at great distances on our frontiers, which garrisons will generally consist of a captain's company only, and in no case of more than two or three, in not one, of a sufficient number to require a field-officer; and no circumstance whatever can bring these garrisons together, because it would be an abandonment of their forts. Thus circumstanced, you will perceive the entire impossibility of providing for the persons you recommend. I wish it had been in my power to give you a more favorable answer; but next to the fulfilling your wishes, the most grateful thing I can do is to give a faithful answer. The session of the first Congress convened since republicanism has recovered its ascendency, is now drawing to a close. They will pretty completely fulfil all the desires of the people. They have reduced the army and navy to what is barely necessary. They are disarming executive patronage and preponderance, by putting down one half the offices of the United States, which are no longer necessary. These economies have enabled them to suppress all the internal taxes, and still to make such provision for the payment of their public debt as to discharge that in eighteen years. They have lopped off a parasite limb, planted by their predecessors on their judiciary body for party purposes; they are opening the doors of hospitality to the fugitives from the oppressions of other countries; and we have suppressed all those public forms and ceremonies which tended to familiarize the public eye to the harbingers of another form of government. The people are nearly all united; their quondam leaders, infuriated with the sense of their impotence, will soon be seen or heard only in the newspapers, which serve as chimneys to carry off noxious vapors and smoke, and all is now tranquil, firm, and well, as it should be. I add no signature because unnecessrry for you. God bless you, and preserve you still for a season of usefulness to your country.

LETTER CCXCVI.

TO ROBERT R. LIVINGSTON.

Washington, April 18, 1802.

Dear Sir,

A favorable and confidential opportunity offering by M. Dupont de Nemours, who is re-visiting his native country, gives me an opportunity of sending you a cipher to be used between us, which will give you some trouble to understand, but once understood, is the easiest to use, the most indecipherable, and varied by a new key with the greatest facility, of any I have ever known. I am in hopes the explanation enclosed will be sufficient.

* * * * * * * * *

But writing by Mr. Dupont, I need use no cipher. I require from him to put this into your own and no other hand, let the delay occasioned by that be what it will.

The cession of Louisiana and the Floridas by Spain to France, works most sorely on the United States. On this subject the Secretary of State has written to you fully, yet I cannot forbear recurring to it personally, so deep is the impression it makes on my mind. It completely reverses all the political relations of the United States, and will form a new epoch in our political course. Of all nations of any consideration, France is the one, which, hitherto, has offered the fewest points on which we could have any conflict of right, and the most points of a communion of interests. From these causes we have ever looked to her as our *natural friend*, as one with which we never could have an occasion of difference. Her growth, therefore, we viewed as our own, her misfortunes ours. There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not, perhaps, be very long before some circumstances might arise, which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France: the impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which, though quiet and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth; these circumstances render it impossible that France and the United States can continue long friends, when they meet in so irritable a position. They, as well as we, must be blind, if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of New Orleans, fixes the sentence which is to restrain her for ever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force, for which our resources place us on very high ground: and having formed and connected together a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the United British and American nations. This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us as necessarily, as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her. For however greater her force is than ours, compared in the abstract, it is nothing in comparison of ours, when to be exerted on our soil. But it is from a sincere love of peace, and a firm persuasion, that, bound to France by the interests and the strong sympathies still existing in the minds of our citizens, and holding relative positions which insure their continuance, we are secure of a long course of peace. Whereas, the change of friends, which will be rendered necessary if France changes that position, embarks us necessarily as a belligerent power in the first war of Europe. In that case, France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it will be wrested from her. Will this short-lived possession have been an equivalent to her for the transfer of such a weight into the scale of her enemy? Will not the amalgamation of a young, thriving nation, continue to that enemy the health and force which are at present so evidently on the decline? And will a few years' possession of New Orleans add equally to the strength of France? She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace, and in war she could not depend on them, because they would be so easily intercepted. I should suppose that all these considerations might, in some proper form, be brought into view of the government of France. Though stated by us, it ought not to give offence; because we do not bring them forward as a menace, but as consequences not controllable by us, but inevitable from the course of things. We mention them, not as things which we desire by any means, but as things we deprecate; and we beseech a friend to look forward and to prevent them for our common interests.

If France considers Louisiana, however, as indispensable for her views, she might perhaps be willing to look about for arrangements which might reconcile it to our interests. If any thing could do this, it would be the ceding to us the island of New Orleans and the Floridas. This would certainly, in a great degree, remove the causes of jarring and irritation between us, and perhaps for such a length of time, as might produce other means of making the measure permanently conciliatory to our interests and friendships. It would, at any rate, relieve us from the necessity of taking immediate measures for countervailing such an operation by arrangements in another quarter. But still we should consider New Orleans and the Floridas as no equivalent for the risk of a quarrel with France, produced by her vicinage.

I have no doubt you have urged these considerations, on every proper occasion, with the government where you are. They are such as must have effect, if you can find means of producing thorough reflection on them by that government. The idea here is, that the troops sent to St. Domingo, were to proceed to Louisiana after finishing their work in that island. If this were the arrangement, it will give you time to return again and again to the charge.

For the conquest of St. Domingo will not be a short work. It will take considerable time, and wear down a great number of soldiers. Every eye in the United States is now fixed on the affairs of Louisiana. Perhaps nothing, since the revolutionary war, has produced more uneasy sensations through the body of the nation. Notwithstanding temporary bickerings have taken place with France, she has still a strong hold on the affections of our citizens generally. I have thought it not amiss, by way of supplement to the letters of the Secretary of State, to write you this private one, to impress you with the importance we affix to this transaction. I pray you to cherish Dupont. He has the best dispositions for the continuance of friendship between the two nations, and perhaps you may be able to make a good use of him.

Accept assurances of my affectionate esteem and high consideration.

TH: JEFFERSON.

LETTER CCXCVII.

TO GOVERNOR MONROE.

Washington, July 15, 1802.

DEAR SIR,

Your favor of the 7th has been duly received. I am really mortified at the base ingratitude of Callender. It presents human nature in a hideous form. It gives me concern, because I perceive that relief, which was afforded him on mere motives of charity, may be viewed under the aspect of employing him as a writer. When the 'Political Progress of Britain' first appeared in this country, it was in a periodical publication called the 'Bee,' where I saw it. I was speaking of it in terms of strong approbation to a friend in Philadelphia, when he asked me, if I knew that the author was then in the city, a fugitive from prosecution on account of that work, and in want of employ for his subsistence. This was the first of my learning that Callender was the author of the work. I considered him as a man of science fled from persecution, and assured my friend of my readiness to do whatever could serve him. It was long after this before I saw him; probably not till 1798. He had, in the mean time, written a second part of the 'Political Progress,' much inferior to the first, and his 'History of the United States.' In 1798, I think, I was applied to by Mr. Lieper to contribute to his relief. I did so. In 1799, I think, S. T. Mason applied for him. I contributed again. He had, by this time, paid me two or three personal visits. When he fled in a panic from Philadelphia to General Mason's, he wrote to me that he was a fugitive in want of employ, wished to know if he could get into a counting-house or a school, in my neighborhood or in that of Richmond; that he had materials for a volume, and if he could get as much money as would buy the paper, the profit of the sale would be all his own. I availed myself of this pretext to cover a mere charity, by desiring him to consider me a subscriber for as many copies of his book as the money inclosed (fifty dollars) amounted to; but to send me two copies only, as the others might lie till called for. But I discouraged his coming into my neighborhood. His first writings here had fallen far short of his original 'Political Progress,' and the scurrilities of his subsequent ones began evidently to do mischief. As to myself, no man wished more to see his pen stopped: but I considered him still as a proper object of benevolence. The succeeding year he again wanted money to buy paper for another volume. I made his letter, as before, the occasion of giving him another fifty dollars. He considers these as proofs of my approbation of his writings, when they were mere charities, yielded under a strong conviction that he was injuring us by his writings. It is known to many, that the sums given to him were such, and even smaller than I was in the habit of giving to others in distress, of the federal as well as the republican party, without attention to political principles. Soon after I was elected to the government, Callender came on here, wishing to be made post-master at Richmond. I knew him to be totally unfit for it: and however ready I was to aid him with my own charities (and I then gave him fifty dollars), I did not think the public offices confided to me to give away as charities. He took it in mortal offence, and from that moment has been hauling off to his former enemies, the federalists. Besides the letter I wrote him in answer to the one from General Mason's, I wrote him another containing answers to two questions he addressed to me; 1. whether Mr. Jay received salary as Chief Justice and Envoy at the same time; and 2. something relative to the expenses of an embassy to Constantinople. I think these were the only letters I ever wrote him in answer to volumes he was perpetually writing to me. This is the true state of what has passed between him and me. I do not know that it can be used without committing me in controversy, as it were, with one too little respected by the public to merit that notice. I leave to your judgment what use can be made of these facts. Perhaps it will be better judged of, when we see what use the tories will endeavor to make of their new friend. I shall leave this on the 21st, and be at Monticello probably on the 24th, or within two or three days of that, and shall hope, ere long, to see you there.

Accept assurances of my affectionate attachment.

TH: JEFFERSON.

LETTER CCXCVIII.

TO GOVERNOR MONROE.

Washington, July 17, 1802.

DEAR SIR,

After writing you on the 15th, I turned to my letter-file to see what letters I had written to Callender, and found them to have been of the dates of 1798, October the 11th, and 1799, September the 6th, and October the 6th; but on looking for the letters they were not in their places, nor to be found. On recollection, I believe I sent them to you a year or two ago. If you have them, I shall be glad to receive them at Monticello, where I shall be on this day se'nnight. I enclose you a paper, which shows the tories mean to pervert these charities to Callender as much as they can. They will probably first represent me as the patron and support of the 'Prospect before Us,' and other things of Callender's, and then picking out all the scurrilities of the author against General Washington, Mr. Adams, and others, impute them to me. I, as well as most other republicans who were in the way of doing it, contributed what I could afford to the support of the republican papers and printers, paid sums of money for the 'Bee,' the 'Albany Register,' &c. when they were staggering under the sedition-law, contributed to the fines of Callender himself, of Holt, Brown, and others, suffering under that law. I discharged, when I came into office, such as were under the persecution of our enemies, without instituting any prosecutions in retaliation. They may, therefore, with the same justice, impute to me, or to every republican contributor, every thing which was ever published in those papers or by those persons. I must correct a fact in mine of the 15th. I find I did not enclose the fifty dollars to Callender himself while at General Mason's, but authorized the General to draw on my correspondent at Richmond, and to give the money to Callender. So the other fifty dollars of which he speaks, were by order on my correspondent at Richmond.

Accept assurances of my affectionate esteem and respect.

TH: JEFFERSON.

LETTER CCXCIX.

TO ROBERT R. LIVINGSTON.

Washington, October 10, 1802.

Dear Sir,

The departure of Madame Brugnard for France furnishes me a safe conveyance of a letter, which I cannot avoid embracing, although I have nothing particular for the subject of it. It is well, however, to be able to inform you, generally, through a safe channel, that we stand completely corrected of the error, that either the government or the nation of France has any remains of friendship for us. The portion of that country which forms an exception, though respectable in weight, is weak in numbers. On the contrary, it appears evident, that an unfriendly spirit prevails in the most important individuals of the government, towards us. In this state of things, we shall so take our distance between the two rival nations, as, remaining disengaged till necessity compels us, we may haul finally to the enemy of that which shall make it necessary. We see all the disadvantageous consequences of taking a side, and shall be forced into it only by a more disagreeable alternative; in which event we must countervail the disadvantages by measures which will give us splendor and power, but not as much happiness as our present system. We wish, therefore, to remain well with France. But we see that no consequences, however ruinous to them, can secure us with certainty against the extravagance of her present rulers. I think, therefore, that while we do nothing which the first nation on earth would deem crouching, we had better give to all our communications with them a very mild, complaisant, and even friendly complexion, but always independent. Ask no favors, leave small and irritating things to be conducted by the individuals interested in them, interfere ourselves but in the greatest cases, and then not push them to irritation. No matter at present existing between them and us is important enough to risk a breach of peace; peace being indeed the most important of all things for us, except the preserving an erect and independent attitude. Although I know your own judgment leads you to pursue this line identically, yet I thought it just to strengthen it by the concurrence of my own. You will have seen by our newspapers, that, with the aid of a lying renegado from republicanism, the federalists have opened all their sluices of calumny. They say we lied them out of power, and openly avow they will do the same by us. But it was not lies or arguments on our part which dethroned them, but their own foolish acts, sedition-laws, alien-laws, taxes, extravagancies, and heresies. Porcupine, their friend, wrote them down. Callender, their new recruit, will do the same. Every decent man among them revolts at his filth: and there cannot be a doubt, that were a Presidential election to come on this day, they would certainly have but three New England States, and about half a dozen votes from Maryland and North Carolina; these two States electing by districts. Were all the States to elect by a general ticket, they would have but three out of sixteen States. And these three are coming up slowly. We do, indeed, consider Jersey and Delaware as rather doubtful. Elections which have lately taken place there, but their event not yet known here, will show the present point of their varying condition.

My letters to you being merely private, I leave all details of business to their official channel.

Accept assurances of my constant friendship and high respect.

TH: JEFFERSON.

P. S. We have received your letter announcing the arrival of Mr. Dupont.

LETTER CCC.

THOMAS JEFFERSON TO ALBERT GALLATIN.

You know my doubts, or rather convictions, about the unconstitutionality of the act for building piers in the Delaware, and the fears that it will lead to a bottomless expense, and to the greatest abuses. There is, however, one intention of which the act is susceptible, and which will bring it within the constitution; and we ought always to presume that the real intention which is alone consistent with the constitution. Although the power to regulate commerce does not give a power to build piers, wharves, open ports, clear the beds of rivers, dig canals, build warehouses, build manufacturing machines, set up manufactories, cultivate the earth, to all of which the power would go if it went to the first, yet a power to provide and maintain a navy is a power to provide receptacles for it, and places to cover and preserve it. In choosing the places where this money should be laid out, I should be much disposed, as far as contracts will permit, to confine it to such place or places as the ships of war may lie at, and be protected from ice: and I should be for stating this in a message to Congress, in order to prevent the effect of the present example. This act has been built on the exercise of the power of building light-houses, as a regulation of commerce. But I well remember the opposition, on this very ground, to the first act for building a light-house. The utility of the thing has sanctioned the infraction. But if on that infraction we build a second, on that second a third, &c., any one of the powers in the constitution may be made to comprehend every power of government. Will you read the enclosed letters on the subject of New Orleans, and think what we can do or propose in the case?

Accept my affectionate salutations.

October 13, 1802.

LETTER CCCI.

TO LEVI LINCOLN.

Washington, October 25, 1802.

DEAR SIR,

Your favor of the 16th is received, and that of July the 24th had come to hand while I was at Monticello. I sincerely condole with you on the sickly state of your family, and hope this will find them re-established with the approach of the cold season. As yet, however, we have had no frost at this place, and it is believed the yellow fever still continues in Philadelphia, if not in Baltimore. We shall all be happy to see you here whenever the state of your family admits it. You will have seen by the newspapers that we have gained ground generally in the elections, that we have lost ground in not a single district of the United States except Kent county in Delaware, where a religious dissension occasioned it. In Jersey the elections are always carried by small majorities, consequently the issue is affected by the smallest accidents. By the paper of the last night we have a majority of three in their Council, and one in their House of Representatives; another says it is only of one in each House: even the latter is sufficient for every purpose. The opinion I originally formed has never been changed, that such of the body of the people as thought themselves federalists, would find that they were in truth republicans, and would come over to us by degrees; but that their leaders had gone too far ever to change. Their bitterness increases with their desperation. They are trying slanders now which nothing could prompt but a gall which blinds their judgments as well as their consciences. I shall take no other revenge, than, by a steady pursuit of economy and peace, and by the establishment of republican principles in substance and in form, to sink federalism into an abyss from which there shall be no resurrection for it. I still think our original idea as to office is best: that is, to depend for the obtaining a just participation, on deaths, resignations, and delinquencies. This will least affect the tranquillity of the people, and prevent their giving in to the suggestion of our enemies, that ours has been a contest for office, not for principle. This is rather a slow operation, but it is sure, if we pursue it steadily, which, however, has not been done with the undeviating resolution I could have wished. To these means of obtaining a just share in the transaction of the public business, shall be added one other, to wit, removal for electioneering activity, or open and industrious opposition to the principles of the present government, legislative and executive. Every officer of the government may vote at elections according to his conscience; but we should betray the cause committed to our care, were we to permit the influence of official patronage to be used to overthrow that cause. Your present situation will enable you to judge of prominent offenders in your State, in the case of the present election. I pray you to seek them, to mark them, to be quite sure of your ground, that we may commit no error or wrong, and leave the rest to me. I have been urged to remove Mr. Whittemore, the surveyor of Gloucester, on grounds of neglect of duty and industrious opposition. Yet no facts are so distinctly charged as to make the step sure which we should take in this. Will you take the trouble to satisfy yourself on this point? I think it not amiss that it should be known that we are determined to remove officers who are active or open-mouthed against the government, by which I mean the legislature as well as the executive. Accept assurances of my sincere friendship and high respect.

TH: JEFFERSON.

LETTER CCCII.

TO GOVERNOR MONROE.

Washington, January 13, 1803.

DEAR SIR,

I dropped you a line on the 10th, informing you of a nomination I had made of you to the Senate, and yesterday I enclosed you their approbation, not then having time to write. The agitation of the public mind on occasion of the late suspension of our right of deposite at New Orleans is extreme. In the western country it is natural, and grounded on honest motives. In the sea-ports it proceeds from a desire for war, which increases the mercantile lottery : in the federalists, generally, and especially those of Congress, the object is to force us into war if possible, in order to derange our finances, or, if this cannot be done, to attach the western country to them, as their best friends, and thus get again into power. Remonstrances, memorials, &c. are now circulating through the whole of the western country, and signed by the body of the people. The measures we have been pursuing, being invisible, do not satisfy their minds. Something sensible, therefore, has become necessary ; and indeed our object of purchasing New Orleans and the Floridas is a measure liable to assume so many shapes, that no instructions could be squared to fit them. It was essential then, to send a minister extraordinary, to be joined with the ordinary one, with discretionary powers; first, however, well impressed with all our views, and therefore qualified to meet and modify to these every form of proposition which could come from the other party. This could be done only in full and frequent oral communications. Having determined on this, there could not be two opinions among the republicans as to the person. You possessed the unlimited confidence of the administration and of the western people ; and generally of the republicans every where ; and were you to refuse to go, no other man can be found who does this. The measure has already silenced the federalists here. Congress will no longer be agitated by them : and the country will become calm as fast as the information extends over it. All eyes, all hopes are now fixed on you ; and were you to decline, the chagrin would be universal, and would shake under your feet the high ground on which you stand with the public. Indeed, I know nothing which would produce such a shock. For on the event of this mission depend the future destinies of this republic. If we cannot, by a purchase of the country, insure to ourselves a course of perpetual peace and friendship with all nations, then, as war cannot be distant, it behoves us immediately to be preparing for that course, without, however, hastening it ; and it may be necessary (on your failure on the continent) to cross the channel. We shall get entangled in European politics, and figuring more, be much less happy and prosperous. This can only be prevented by a successful issue to your present mission. I am sensible after the measures you have taken for getting into a different line of business, that it will be a great sacrifice on your part, and presents from the season and other circumstances serious difficulties. But some men are born for the public. Nature, by fitting them for the service of the human race on a broad scale, has stamped them with the evidences of her destination and their duty.

But I am particularly concerned, that, in the present case, you have more than one sacrifice to make. To reform the prodigalities of our predecessors is understood to be peculiarly our duty, and to bring the government to a simple and economical course. They, in order to increase expense, debt, taxation, and patronage, tried always how much they could give. The outfit given to ministers resident to enable them to furnish their house, but given by no nation to a temporary minister, who is never expected to take a house or to entertain, but considered on the footing of a *voyageur*, they gave to their extraordinary missionaries by wholesale. In the beginning of our administration, among other articles of reformation in expense, it was determined not to give an outfit to missionaries extraordinary, and not to incur the expense with any minister of sending a frigate to carry or bring him. The Boston happened to be going to the Mediterranean, and was permitted, therefore, to take up Mr. Livingston and touch in a port of France. A frigate was denied to Charles Pinckney, and has been refused to Mr. King for his return. Mr. Madison's friendship and mine to you being so well known, the public will have eagle eyes to watch if we grant you any indulgences out of the general rule; and on the other hand, the example set in your case will be more cogent on future ones, and produce greater approbation to our conduct. The allowance, therefore, will be in this, and all similar cases, all the expenses of your journey and voyage, taking a ship's cabin to yourself, nine thousand dollars a year from your leaving home till the proceedings of your mission are terminated, and then the quarter's salary for the expenses of your return, as prescribed by law. As to the time of your going, you cannot too much hasten it, as the moment in France is critical. St. Domingo delays their taking possession of Louisiana, and they are in the last distress for money for current purposes. You should arrange your affairs for an absence of a year at least, perhaps for a long one. It will be necessary for you to stay here some days on your way to New York. You will receive here what advance you choose.

Accept assurances of my constant and affectionate attachment.

TH: JEFFERSON.

LETTER CCCIII.

TO M. DUPONT.

Washington, February 1, 1803.

Dear Sir,

I have to acknowledge the receipt of your favors of August the 16th and October the 4th. The latter I received with peculiar satisfaction; because, while it holds up terms which cannot be entirely yielded, it proposes such as a mutual spirit of accommodation and sacrifice of opinion may bring to some point of union. While we were preparing on this subject such modifications of the propositions of your letter of October the 4th, as we could assent to, an event happened, which obliged us to adopt measures of urgency. The suspension of the right of deposite at New Orleans, ceded to us by our treaty with Spain, threw our whole country into such a ferment as imminently threatened its peace. This, however, was believed to be the act of the Intendant, unauthorized by his government. But it showed the necessity of making effectual arrangements, to secure the peace of the two countries against the indiscreet acts of subordinate agents. The urgency of the case, as well as the public spirit, therefore, induced us to make a more solemn appeal to the justice and judgment of our neighbors, by sending a minister extraordinary to impress them with the necessity of some arrangement. Mr. Monroe has been selected. His good dispositions cannot be doubted. Multiplied conversations with him, and views of the subject taken in all the shapes in which it can present itself, have possessed him with our estimates of every thing relating to it, with a minuteness which no written communication to Mr. Livingston could ever have attained. These will prepare them to meet and decide on every form of proposition which can occur, without awaiting new instructions from hence, which might draw to an indefinite length a discussion where circumstances imperiously oblige us to a prompt decision. For the occlusion of the Mississippi is a state of things in which we cannot exist. He goes, therefore, joined with Chancellor Livingston, to aid in the issue of a crisis the most important the United States have ever met since their independence, and which is to decide their future character and career. The confidence which the government of France reposes in you, will undoubtedly give great weight to your information. An equal confidence on our part, founded on your knowledge of the subject, your just views of it, your good dispositions towards this country, and my long experience of your personal faith and friendship, assures me that you will render between us all the good offices in your power. The interests of the two countries being absolutely the same as to this matter, your aid may be conscientiously given. It will often, perhaps, be possible for you, having a freedom of communication, *omnibus horis*, which diplomatic gentlemen will be excluded from by forms, to smooth difficulties by representations and reasonings, which would be received with more suspicion from them. You will thereby render great good to both countries. For our circumstances are so imperious as to admit of no delay as to our course; and the use of the Mississippi so indispensable, that we cannot hesitate one moment to hazard our existence for its maintenance. If we fail in this effort to put it beyond the reach of accident, we see the destinies we have to run, and prepare at once for them. Not but that we shall still endeavor to go on in peace and friendship with our neighbors as long as we can, *if our rights of navigation and deposite are respected;* but as we foresee that the caprices of the local officers, and the abuse of those rights by our boatmen and navigators, which neither government can prevent, will keep up a state of irritation which cannot long be kept inactive, we should be criminally improvident not to take at once eventual measures for strengthening ourselves for the contest. It may be said, if this object be so all-important to us, why do we not offer such a sum as to insure its purchase? The answer is simple. We are an agricultural people, poor in money, and owing great debts. These will be falling due by instalments for fifteen years to come, and require from us the practice of a rigorous economy to accomplish their payment: and it is our principle to pay to a moment whatever we have engaged, and never to engage what we cannot, and mean not, faithfully to pay. We have calculated our resources, and find the sum to be moderate which they would enable us to pay, and we know from late trials that little can be added to it by borrowing. The country, too, which we wish to purchase, except the portion already granted, and which must be confirmed to the private holders, is a barren sand, six hundred miles from east to west and from thirty to forty and fifty miles from north to south, formed by deposition of the sands by the Gulf Stream in its circular course round the Mexican Gulf, and which being spent after performing a semicircle, has made from its last depositions the sand-bank of East Florida. In West Florida, indeed, there are on the borders of the rivers some rich bottoms, formed by the mud brought from the upper country. These bottoms are all possessed by individuals. But the spaces between river and river are mere banks of sand: and in East Florida, there are neither rivers nor consequently any bottoms. We cannot then make any thing by a sale of the lands to individuals. So that it is peace alone which makes it an object with us, and which ought to make the cession of it desirable to France. Whatever power, other than ourselves, holds the country east of the Mississippi, becomes our natural enemy. Will such a possession do France as much good, as such an enemy may do her harm? And how long would it be hers, were such an enemy, situated at its door, added to Great Britain? I confess, it appears to me as essential to France to keep at peace with us, as it is to us to keep at peace with her: and that, if this cannot be secured without some compromise as to the territory in question, it will be useful for both to make sacrifices to effect the compromise.

You see, my good friend, with what frankness I communicate with you on this subject; that I hide nothing from you, and that I am endeavoring to turn our private friendship to the good of our respective countries. And can private friendship ever answer a nobler end than by keeping two nations at peace, who, if this new position which one of them is taking were rendered innocent, have more points of common interest, and fewer of collision than any two on earth; who become natural friends, instead of natural enemies, which this change of position would make them. My letters of April the 25th, May the 5th, and this present one have been written, without any disguise, in this view; and while safe in your hands they can never do any thing but good. But you and I are now at that time of life when our call to another state of being cannot be distant, and may be near. Besides, your government is in the habit of seizing papers without notice. These letters might thus get into hands, which, like the hornet which extracts poison from the same flower that yields honey to the bee, might make them the ground of blowing up a flame between our two countries, and make our friendship and confidence in each other effect exactly the reverse of what we are aiming at. Being yourself thoroughly possessed of every idea in them, let me ask from your friendship an immediate consignment of them to the flames. That alone can make all safe, and ourselves secure.

I intended to have answered you here, on the subject of your agency in the transacting what money matters we may have at Paris, and for that purpose meant to have conferred with Mr. Gallatin. But he has, for two or three days, been confined to his room, and is not yet able to do business. If he is out before Mr. Monroe's departure, I will write an additional letter on that subject. Be assured that it will be a great additional satisfaction to me to render services to yourself and sons by the same acts which shall at the same time promote the public service. Be so good as to present my respectful salutations to Madame Dupont, and to accept yourself assurances of my constant and affectionate friendship and great respect.

TH : JEFFERSON.

LETTER CCCIV.

TO DOCTOR BENJAMIN RUSH.

Washington, April 21, 1803.

DEAR SIR,

In some of the delightful conversations with you, in the evenings of 1798–99, and which served as an anodyne to the afflictions of the crisis through which our country was then laboring, the Christian religion was sometimes our topic : and I then promised you, that, one day or other, I would give you my views of it. They are the result of a life of inquiry and reflection, and very different from that anti-Christian system imputed to me by those who know nothing of my opinions. To the corruptions of Christianity I am indeed opposed ; but not to the genuine precepts of Jesus himself. I am a Christian, in the only sense in which he wished any one to be ; sincerely attached to his doctrines, in preference to all others ; ascribing to himself every *human* excellence ; and believing he never claimed any other. At the short intervals since these conversations, when I could justifiably abstract my mind from public affairs, the subject has been under my contemplation. But the more I considered it, the more it expanded beyond the measure of either my time or information. In the moment of my late departure from Monticello, I received from Doctor Priestely his little treatise of 'Socrates and Jesus compared.' This being a section of the general view I had taken of the field, it became a subject of reflection while on the road, and unoccupied otherwise. The result was, to arrange in my mind a syllabus, or outline of such an estimate of the comparative merits of Christianity, as I wished to see executed by some one of more leisure and information for the task, than myself. This I now send you, as the only discharge of my promise I can probably ever execute. And in confiding it to you, I know it will not be exposed to the malignant perversions of those who make every word from me a text for new misrepresentations and calumnies. I am moreover averse to the communication of my religious tenets to the public; because it would countenance the presumption of those who have endeavored to draw them before that tribunal, and to seduce public opinion to erect itself into that inquisition over the rights of conscience, which the laws have so justly proscribed. It behoves every man who values liberty of conscience for himself, to resist invasions of it in the case of others; or their case may, by change of circumstrnces, become his own. It behoves him, too, in his own case, to give no example of concession, betraying the common right of independent opinion, by answering questions of faith, which the laws have left between God and himself. Accept my affectionate salutations.

TH: JEFFERSON.

Syllabus of an Estimate of the Merit of the Doctrines of Jesus, compared with those of others.

In a comparative view of the Ethics of the enlightened nations of antiquity, of the Jews, and of Jesus, no notice should be taken of the corruptions of reason among the ancients, to wit, the idolatry and superstition of the vulgar, nor of the corruptions of Christianity by the learned among its professors.

Let a just view be taken of the moral principles inculcated by the most esteemed of the sects of ancient philosophy, or of their individuals; particularly Pythagoras, Socrates, Epicurus, Cicero, Epictetus, Seneca, Antoninus.

I. Philosophers. 1. Their precepts related chiefly to ourselves, and the government of those passions which, unrestrained, would disturb our tranquillity of mind.* In this branch of philosophy they were really great.

2. In developing our duties to others, they were short and defective. They embraced, indeed, the circles of kindred and friends, and inculcated patriotism, or the love of our country in the

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* To explain, I will exhibit the heads of Seneca's and Cicero's philosophical works, the most extensive of any we have received from the ancients. Of ten heads in Seneca, seven relate to ourselves, viz. *de irâ, consolatio, de tranquillitate, de constantiâ sapientis, de otio sapientis, de vitâ beatâ, de brevitate vitæ;* two relate to others, *de clementiâ, de beneficiis;* and one relates to the government of the world, *de providentiâ.* Of eleven tracts of Cicero, five respect ourselves, viz. *de finibus, Tusculana, academica, paradoxa, de senectute;* one, *de officiis*, relates partly to ourselves, partly to others; one, *de amicitiâ*, relates to others; and four are on different subjects, to wit, *de naturâ deorum, de divinatione, de fato*, and *somnium Scipionis.*

aggregate, as a primary obligation: towards our neighbors and countrymen they taught justice, but scarcely viewed them as within the circle of benevolence. Still less have they inculcated peace, charity, and love to our fellow-men, or embraced with benevolence the whole family of mankind.

II. Jews. 1. Their system was Deism; that is, the belief in one only God. But their ideas of him and of his attributes were degrading and injurious.

2. Their Ethics were not only imperfect, but often irreconcilable with the sound dictates of reason and morality, as they respect intercourse with those around us; and repulsive and anti-social, as respecting other nations. They needed reformation, therefore, in an eminent degree.

III. Jesus. In this state of things among the Jews, Jesus appeared. His parentage was obscure; his condition poor; his education null; his natural endowments great; his life correct and innocent: he was meek, benevolent, patient, firm, disinterested, and of the sublimest eloquence.

The disadvantages under which his doctrines appear are remarkable.

1. Like Socrates and Epictetus, he wrote nothing himself.

2. But he had not, like them, a Xenophon or an Arrian to write for him. I name not Plato, who only used the name of Socrates to cover the whimsies of his own brain. On the contrary, all the learned of his country, entrenched in its power and riches, were opposed to him, lest his labors should undermine their advantages; and the committing to writing his life and doctrines fell on unlettered and ignorant men; who wrote, too, from memory, and not till long after the transactions had passed.

3. According to the ordinary fate of those who attempt to enlighten and reform mankind, he fell an early victim to the jealousy and combination of the altar and the throne, at about thirty-three years of age, his reason having not yet attained the *maximum* of its energy, nor the course of his preaching, which was but of three years at most, presented occasions for developing a complete system of morals.

4. Hence the doctrines which he really delivered were defective as a whole, and fragments only of what he did deliver have come to us, mutilated, misstated, and often unintelligible.

5. They have been still more disfigured by the corruptions of schismatizing followers, who have found an interest in sophisticating and perverting the simple doctrines he taught, by engrafting on them the mysticisms of a Grecian sophist, frittering them into subtleties, and obscuring them with jargon, until they have caused

good men to reject the whole in disgust, and to view Jesus himself as an impostor.

Notwithstanding these disadvantages, a system of morals is presented to us, which, if filled up in the style and spirit of the rich fragments he left us, would be the most perfect and sublime that has ever been taught by man.

The question of his being a member of the God-head, or in direct communication with it, claimed for him by some of his followers, and denied by others, is foreign to the present view, which is merely an estimate of the intrinsic merit of his doctrines.

1. He corrected the Deism of the Jews, confirming them in their belief of one only God, and giving them juster notions of his attributes and government.

2. His moral doctrines, relating to kindred and friends, were more pure and perfect than those of the most correct of the philosophers, and greatly more so than those of the Jews; and they went far beyond both in inculcating universal philanthropy, not only to kindred and friends, to neighbors and countrymen, but to all mankind, gathering all into one family, under the bonds of love, charity, peace, common wants, and common aids. A developement of this head will evince the peculiar superiority of the system of Jesus over all others.

3. The precepts of philosophy, and of the Hebrew code, laid hold of actions only. He pushed his scrutinies into the heart of man; erected his tribunal in the region of his thoughts, and purified the waters at the fountain head.

4. He taught, emphatically, the doctrine of a future state, which was either doubted, or disbelieved by the Jews; and wielded it with efficacy, as an important incentive, supplementary to the other motives to moral conduct.

LETTER CCCV.

TO GENERAL GATES.

Washington, July 11, 1803.

DEAR GENERAL,

I accept with pleasure, and with pleasure reciprocate your congratulations on the acquisition of Louisiana: for it is a subject of mutual congratulation, as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri and Mississippi, has more than doubled the area of the United

States, and the new part is not inferior to the old in soil, climate, productions, and important communications. If our legislature dispose of it with the wisdom we have a right to expect, they may make it the means of tempting all our Indians on the east side of the Mississippi to remove to the west, and of condensing instead of scattering our population. I find our opposition is very willing to pluck feathers from Monroe, although not fond of sticking them into Livingston's coat. The truth is, both have a just portion of merit; and were it necessary or proper, it would be shown that each has rendered peculiar services, and of important value. These grumblers, too, are very uneasy lest the administration should share some little credit for the acquisition, the whole of which they ascribe to the accident of war. They would be cruelly mortified could they see our files from May, 1801, the first organization of the administration, but more especially from April, 1802. They would see, that though we could not say when war would arise, yet we said with energy what would take place when it should arise. We did not, by our intrigues, produce the war; but we availed ourselves of it when it happened. The other party saw the case now existing, on which our representations were predicated, and the wisdom of timely sacrifice. But when these people make the war give us everything, they authorize us to ask what the war gave us in their day? They had a war; what did they make it bring us? Instead of making our neutrality the ground of gain to their country, they were for plunging into the war. And if they were now in place, they would now be at war against the atheists and disorganizers of France. They were for making their country an appendage to England. We are friendly, cordially and conscientiously friendly to England, but we are not hostile to France. We will be rigorously just and sincerely friendly to both. I do not believe we shall have as much to swallow from them as our predecessors had.

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Present me respectfully to Mrs. Gates, and accept yourself my affectionate salutations, and assurances of great respect and esteem.

TH: JEFFERSON.

LETTER CCCVI.

TO MR. BRECKENRIDGE.

Monticello, August 12, 1803.

DEAR SIR,

The enclosed letter, though directed to you, was intended to me also, and was left open with a request, that when forwarded, I would forward it to you. It gives me occasion to write a word to you on the subject of Louisiana, which being a new one, an interchange of sentiments may produce correct ideas before we are to act on them.

Our information as to the country is very incomplete: we have taken measures to obtain it full as to the settled part, which I hope to receive in time for Congress. The boundaries, which I deem not admitting question, are the high lands on the western side of the Mississippi enclosing all its waters, the Missouri of course, and terminating in the line drawn from the northwestern point of the Lake of the Woods to the nearest source of the Mississippi, as lately settled between Great Britain and the United States. We have some claims, to extend on the sea-coast westwardly to the Rio Norte or Bravo, and better, to go eastwardly to the Rio Perdido, between Mobile and Pensacola, the ancient boundary of Louisiana. These claims will be a subject of negotiation with Spain, and if, as soon as she is at war, we push them strongly with one hand, holding out a price in the other, we shall certainly obtain the Floridas, and all in good time. In the mean while, without waiting for permission, we shall enter into the exercise of the natural right we have always insisted on with Spain, to wit, that of a nation holding the upper part of streams, having a right of innocent passage through them to the ocean. We shall prepare her to see us practise on this, and she will not oppose it by force.

Objections are raising to the eastward against the vast extent of our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas. But, as I have said, we shall get the Floridas without, and I would not give one inch of the waters of the Mississippi to any nation, because I see in a light very important to our peace the exclusive right to its navigation, and the admission of no nation into it, but as into the Potomac or Delaware, with our consent and under our police. These federalists see in this acquisition the formation of a new confederacy, embracing all the waters of the Mississippi, on both sides of it, and a separation of its eastern waters from us. These combinations depend on so many circumstances, which we cannot foresee, that I place little reliance on them. We have seldom seen neighborhood produce affection among nations. The reverse is almost the universal truth. Besides, if it should become the great interest of those nations to separate from this, if their happiness should depend on it so strongly as to induce them to go through that convulsion, why should the Atlantic States dread it? But especially why should we, their present inhabitants, take side in such a question? When I view the Atlantic States, procuring for those on the eastern waters of the Mississippi friendly instead of hostile neighbors on its western waters, I do not view it as an Englishman would the procuring future blessings for the French nation, with whom he has no relations of blood or affection. The future inhabitants of the Atlantic and Mississippi States will be our sons. We leave them in distinct but bordering establishments. We think we see their happiness in their union, and we wish it. Events may prove it otherwise; and if they see their interest in separation, why should we take side with our Atlantic rather than our Mississippi descendants? It is the elder and the younger son differing. God bless them both, and keep them in union, if it be for their good, but separate them, if it be better. The inhabited part of Louisiana, from Point Coupée to the sea, will of course be immediately a territorial government, and soon a State. But above that, the best use we can make of the country for some time, will be to give establishments in it to the Indians on the east side of the Mississippi, in exchange for their present country, and open land-offices in the last, and thus make this acquisition the means of filling up the eastern side, instead of drawing off its population. When we shall be full on this side, we may lay off a range of States on the western bank from the head to the mouth, and so, range after range, advancing compactly as we multiply.

This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to *the nation* for an additional article to the constitution, approving and confirming an act which the nation had not previously authorized. The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the constitution. The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; and saying to him when of age, I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can: I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the constitution, by more strongly marking out its lines.

We have nothing later from Europe than the public papers give. I hope yourself and all the western members will make a sacred point of being at the first day of the meeting of Congress; for *vestra res regitur*.

Accept my affectionate salutations and assurances of esteem and respect.

TH: JEFFERSON.

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